1488 f. 21.

LES

TERMES

DE LA LEY:

OR,

Certain difficult and obscure Words and Terms of the Common Laws and Statutes of this Realm now in use, expounded and explained.

Now Corrected and Enlarged.

With many Great and Useful Additions throughout the whole Book, never Printed in any other Impression.

Multa renascentur quæ jam cecidere, cadentque
Quæ nunc sunt in honore vocabula, si volet usus.
Hor.

LONDON:

Printed by *Samuel Roycroft* and *James Rawlins*, Assigns of *Richard* and *Edward Atkins*, Esquires. 1708.


30
59
MAY

TO THE READER.

I *Shall not trouble the Reader with a large Account of the Uſefulneſs and Profitableneſs of this Book: The ſeveral Impreſſions it hath undergone, ſufficiently beſpeak its own worth. However, further to improve its Reputation, it again appears in Publick, with the Addition of a great many* New Terms *herein explained, with ſeveral Alterations and Amendments, never before publiſhed: The whole digeſted in an Alphabetical Method. And that there may be nothing wanting to render it abſolutely Compleat and Perfect, great Care hath been taken, not only to amend the* Errata *in the former Editions, but alſo to prevent any thing of the like kind in this.*

TERMS OF THE LAW EXPOUNDED.

Abate.

ABate ſeems to come from the French Abbatre, i. e. to deſtroy or defeat utterly, and has ſeveral Significations. As, to Abate a Caſtle or Fortlet (Old Natura brev. fo. 45.) which (in Weſtm. 1. cap 17.) is interpreted to beat down. And to abate a Writ, is to defeat or overthrow it, by ſome Error or Exception. Britton, cap. 48. And, he that ſteps in between the former Poſſeſſor and his Heir, is ſaid to abate in the Lands. See Abatement.

Abate.

ABate ſemble de vener del Francois *Abbatre*, i. e. *reſcindere, deſtruere*, & ad pleuſeurs ſignifications. Come, *abater un Chaſteau ou Fortlet.* (*Vet Natbr fo.* 41.) q; (en *Weſtm.* 1. c. 17.) eſt enterprete to beat down. Et, *abater un brief* eſt pur le defaire ou renverſer, per aſcun Erreur, ou Exception. *Britton, ca.* 48. Et luy q; s'enterpoſe enter le prier poſſeſſeur & ſon Heir, eſt dit *abater en les Terres.* Veies *Abatement.*

Abatement of a Writ or Plaint.

ABatement of a Writ or Plaint is, when an Action is brought by Writ or Plaint, wherein is want of ſufficient and good Matter, or elſe the Matter alledged is not certainly ſet down, or if the Plaintiff or Defendant, or Place are miſnamed, or if there appear variance between the Writ and the Specialty or Re-

Abatement de Brief ou Plaint.

A *Batement de Brief ou Plaint* eſt, quant un Action eſt port per Brief ou Plaint, en que faule ſufficient & bon matter, ou auterment le matter alledge neſt certainment alledge, ou ſi le Plaintiff, ou Defendant, ou Lieu ſont miſnoſme, ou ſi la appear varience perenter le Brief & le Specialty ou Re-

cord, ou que le Brief, ou Declaration ſont uncertain, ou pur mort del Plaintiff ou Defendant, ou pur divers auters ſemblable cauſes; donques ſur ceux defaults le Defendant poit prier que le Brief ou Plaint *abatera*, ceſt a dire, que le Suit del Plaintiff envers luy ceſſera pur ceſt temps, & que il commencera auter temps ſon Suit, & port un novel Brief ou Plaint, ſil ſoit iſſint diſpoſe. Mes ſi le Defendant en aſcun Action plede un matter en Bar pur adnuller de Action a touts jours, il ne viendra apres a pleader en Abatement de Brief; mes ſi apres il appiert in le Record, q; eſt aſcun matter apparāt pur que le Brief doit eſtre abate, donque le Defendant ou aſcun auter perſon, *ut amicus Curiæ*, poiet bien plede & monſtre ceo in Arreſt de Judgment.

Abatement del Brief poet eſtre per act de Dieu, per act des Parties, per act del Ley, per act del Eſtranger, ou per act del Court.

Veies les titles de *Brief*, *Miſnoſmer* & *Variance*, en les *Abridgements*, & le Livre appel *Les Digeſts del Briefs*, en queux ceſt matter eſpecialment eſt fort bien entrait.

Sont auxi auters matters queux abate & ſtay actions & Briefs, ceſtaſcavour: Variance ent' Brief & Count.

Si le Plaintiff ſoit Alien Enemy. (*Titulo Alien.*)

Pur default de noſmer le Defendant de quel Ville, ou Trade, ou degree il eſt, ou le Suit eſt per Brief.

Que le Feme Plaintiff eſt covert devant, ou pendant la Suit.

cord, or that the Writ or the Declaration be uncertain, or for Death of the Plaintiff or Defendant, and for divers other like Cauſes; then upon thoſe defaults the Defendant may pray that the Writ or Plaint may abate, that is to ſay, that the Plaintiff's Suit againſt him may ceaſe for that time, and that he ſhall begin again his Suit, and bring a new Writ or Plaint, if he be ſo diſpoſed. But if the Defendant in any Action plead a matter in Bar to annul the Action for ever, he ſhall not come afterwards to plead in Abatement of the Writ; but if after it appear in the Record, that there is ſome matter apparent for which the Writ ought to be abated, then the Defendant or any Perſon, or a Friend to the Court, may well plead and ſhew it in Arreſt of Judgment.

Abatement of the Writ may be by the act of God, by the act of the Parties, by the act of the Law, by the act of a Stranger, or by the act of the Court.

See the titles of Writ, Miſnoſmer and Variance, in the Abridgements, and the Book called The Digeſts of Writs, in which this matter eſpecially is very well handled.

There are alſo other matters which abate and ſtay Actions & Writs, that is to ſay, Variance between the Writ and the Count.

If the Plaintiff be an Alien Enemy.

For want of naming the Defendant of what Town, Trade, or degree he is where the Suit is by Writ.

That a Woman Plaintiff is married before, or hanging the Suit.

That

That the Plaintiff hath another Action depending for the same cause.

That the Writ is dated before the Action accrued.

For that the Defendant ought to be sued in another Court of which he is an Attorney or Officer.

For that the Land is ancient demesne.

For that the matter in Suit was done upon the high Sea, in which case the Admiral hath Jurisdiction.

These causes underneath do not abate the Writ or Action, but suspend the prosecution for a time.

If the Plaintiff in Action personal be out-lawed, or convicted of Recusancy, or Excommunicated.

Upon a Scire facias against ter' tenants for Debt, plea that there are other Tenants which hold Lands liable to the same Debt, which are not returned, doth stay the Proceedings until they be also returned.

Que le Plaintiff ad auter Action pendant pur mesme le cause.

Que le Brief est date devant le Action accrue.

Pur ceo que le Defendant doit estre sue en auter Court de quel il est Attorney ou Officer.

Pur ceo que la ter' est ancient demesne.

Que le matt' en Suit fait fait sur le haut mere, en quel case l' Admiral ad Jurisdiction.

Ceux cases suisdits n' abate le Brief ou Action mes suspend le prosecucution pur temps.

Si le Plaintiff en Action personel soit utlage ou convict d Recusancy, ou excommenge.

Sur *Scire facias* versus tertenants pur debt, plea que sont auters Tenants queux out terres liable a mesme le debt, queux ne sont return, stay proceeding tanq; sont auxi return.

Causes de Abatement de Brief ou Plaint.

- Fault de sufficient ou bone matter.
- Le matter nest certainment alledge.
- Plaintiff, Defendant. ou Lieu. } misnosme.
- Variance enter { Brief, & Specialty, ou Record.
- Uncertainty del { Brief, & Count, ou Declaration.
- Mort { Plaintiff, ou Defendant.

Abatement en Terres.

Abatement en Terres ou Tenements eſt, quant un hom' moruſt ſeiſie de ter ou Tenements, & un q; nad droit entra en meſmes devāt le Heir; ceſt Entry d luy eſt appel un *Abatement*, & il un *Abator*. Mes ſi le Heir enter primes apres le mort de ſon Anceſtor, & le auter enter ſur le poſſeſſion del Heir, ceſt dernier entry eſt un diſſeiſin al Heir. Vide livre de *Entries*, *fo.* 63. *c.* & 205. *d.* & 519. *c.* lou ceſt Abatmēt eſt appel en Latin *Intruſio*. Et jeo entend deſtre melius d'appel ceo en Latin *Interpoſitio*, ou *Intratio per interpoſitionem*, de fair difference enter ceo parol, & *Intruſion* puis le mort de le Tenant pur vie. Veies *Co. Lit.* 277. a.

Abbe.

Abbe fuit le Sovereign Teſte ou Principal de ceux Meaſons queux quant ils eſtoient fuerōt appel Abbeys; & ceſt Abbe ove les Moigns de meſme le Meaſon, queux fueront appel le Covent, fierōt un Corporat'. Et tiel Sovereign de aſcun tiel Meaſon ne ſerra charge pur le Act de ſon Predeceſſor, ſil ne ſoit per common Seal, ne pur tiel choſe que viēt al uſe de ſon Meaſō. Auxy un Abbe ne ſerra charge pur le det en que ſon ommoign fuit endet devant ſon entre en Religiō, coment le Creditor ad de ceo un eſpecialty, ſi non que il avoit devenus al uſe d ſon Meaſon: mes les Executors del Commoigne ſerrōt charge ove ceo.

Abatement in Lands.

ABatement in Lands or Tenements is, when a man dies ſeiſed of Lands or Tenements, and one that hath no right enters into the ſame before the Heir; this Entry is called an Abatement, and he an Abator. But if the Heir enter firſt after the Death of his Anceſtor, and the other enter upon the poſſeſſion of the Heir, this laſt entry is a Diſſeiſin to the Heir. Look in the Book of Entries fo. 63. c. & 205. d. & 519. c. where this word Abatement is called in Latin Intruſio. And I think it better to call it in Latin Interpoſitio, or Intratio per interpoſitionem, to make a difference between this word and Intruſio after the death of the Tenant for life. See Co. Lit. 277. a.

Abbot.

ABbot was the ſovereign Head or Chief of thoſe Houſes which when they ſtood were called Abbies; and this Abbot with the Monks of the ſame Houſe, who were called the Covent, made a Corporation. Such a Sovereign of any ſuch Houſe ſhall not be charged by the Act of his Predeceſſor, if it be not by common Seal, nor for ſuch things which come to the uſe of his Houſe. And an Abbot ſhall not be charged for the debt of his Monk before his entry into Religion, though the Creditor have an eſpecialty thereof, except it have come to the uſe of his Houſe: but the Executors of the Monk ſhall be charged therewith.

Lok for this in the Abridgments, the same Title, under which you shall see that some of them were elective, some presentative; and how they were made Governours, and their Authority. And in this Title are also comprehended all other Corporations Spiritual, as Prior and his Covent, Friers and Canons, Dean and Chapter.

To Abdicate.

TO Abdicate is to renounce or refuse.

Abdication.

ABdication is a disinherting.

Abettors.

ABettors are in divers Cases diversly taken. One kind of Abettors are they that maliciously, without just cause or desert, do procure others to sue false Appeals of Murther, or Felony against Men, to the intent to trouble and grieve them, and to bring them to infamy and slander. Abettors in Murther are those that command or procure, counsel or comfort others to Murther. And in some case Abettors shall be taken as Principals, and in some case but as Accessories: So in other Felonies. And their presence at the Deed doing, and their absence makes a difference in the case: There are Abettors also in Treason, but they are as Principals, for in Treason there are no Accessories.

See more in the Book called Pleas of the Crown, made by the Reverend Judge Sir W.

Vide p ceo en le *Abridgment*, mesme title, desouth quel veies coment ascuns de ceux fueront elective, ascuns presentative; & cõent fuerõt fait Prefects, & lour authority. Et en cel title sont auxy comprehend touts autres Corporations Spiritual, come Prior & son Covent, Friers & Canons, Dean & Chapter.

Abdicare.

A*Bdicare* est a renouncer ou refuser.

Abdication.

A*Bdication* est un disinheriting.

Abettors.

A*Bettors* sont in divers cases diversement prise. Un kind de Abettors sont ceux q; maliciousment, sans droit cause ou desert, procur' aut' de suer faux Appeals de Murder ou Felony envers homes, al entent de troubler & griever eux, & pur fair eux en infamy & slander. Abettors en Murd' sont ceux q; command, procur', counsel, ou comfort aut' de Murder. Et en ascun case tiel Abettors serront prise come Principals, & en ascun case forsque come Accessories: Issint en auter Felonies. Et lour presence a le chose fait, & lour absence d'la fait un difference en le case. Il y ad Abettors auxy en Treason, mes ils sont come Principals, car en Treason il ny ad ascun Accessories.

Veies pluis de ceo en le Livre appelle *Les Pleas del Corone*, compile per le tres re-

verend Judge Sir *W. Stamf.* en les Titles de *Accessories*, & *Damages* en appeal.

Abeyance.

A *Beyance* est quant un Lease est fait pur Term de vie, le Remainder al droit Heirs de *J. S.* que est en vie al temps del Grant: ore per cest Grant le Remainder passa hors del Grantor maintenat, unc' il ne vesta maintenant, ne priſt effect en le Grantee, cest a dire, le droit Heir d' *J. S.* mes est dit destre en *abeyance*, ou, come les Logiciens appelle ceo, *in potentia*, ou *in intellectu* &, come nous dicimus, *in nubibus*, cestascavoir, en le consideration de Ley, Que si *J. S.* moruſt, ayant un droit Heir en vie, & vivant le Lessee pur vie, donques ceo est un bon Remainder, & a ore veste, & vient al le dit droit Heir, en tiel sort, que il poit grant, forfeit, ou autrement disposer ceo,& cessa destre ore en *abeyance* pur ceo que il est un ore de ability pur prēder ceo, pur ceo q; *J. S.* est mort, & ad relinquish un droit Heir en vie; lequel ne poit estre,vivant *J.S.* car durant son vie nul poit propremēt cē dit son Heir. Item si un hom' soit patron dun Esglis, & psent aut' a ceo, ore est le Fee des ter' ou Tenem' perteignant al Rectory en le Parson: mes si le Parson moruſt, & le Esglise est devenus void, donque est le Fee en *abeyance*. tanque il soit un novel Parson present, admit & induct; car le Patron nad le Fee, mes solement le droit de presenter, & le Fee

Stamford, in the Titles of Accessories, and Damages in Appeal.

Abeyance.

A Beyance is, when a Lease is made for term of life, the Remainder to the right Heirs of *J. S.* who is living at the time of the Grant: now by this Grant the Remainder passes from the Grantor presently, yet it vests not presently, nor takes hold in the Grantee, that is, the right Heir of *J. S.* but is said to be in Abeyance, or, as the Logicians term it, in posse, or in understanding, and, as we say, in the Clouds, that is, in the Consideration of the Law, That if *J. S.* die, having a right Heir, and living the Lessee for life, then this is a good Remainder, and now vests and comes to the right Heir, in such sort as, that he may grant, forfeit, or otherwise dispose the same, and ceases to be any more in Abeyance, for that there is one now of ability to take it, because *J. S.* is dead, and hath left a right Heir in life; which could not be, living *J. S.* for that during his Life none could properly be said to be his Heir. Also if a Man be Patron of a Church, and presents one to the same, now the Fee of the Lands and Tenements pertaining to the Rectory is in the Parson: But if the Parson die, and the Church become void, then is the Fee in Abeyance, until there be a new Parson presented, admitted and inducted; for the Patron hath not the Fee, but only the right to present, and the

the Fee is in the Incumbent that is preſented, and after his death it is in no body, but in Abeyance, till there be a new Incumbent, as is afore-ſaid.

See Litt. Lib. 3. cap. 11. fo. 145. and Perkins fol. 12, 34, 35. Sect. 87.

Abiſherſing.

ABiſherſing (and in ſome Copies Miſherſing, Mishering, or Miskering) is, to be quit of Amerciaments before whomſoever of Tranſgreſſion proved.

Abjuration.

ABjuration is an Oath that a Man or Woman ſhall take when they have committed Felony, and fly to the Church, or Church-yard, or to any other place privileged for ſafeguard of their Lives, chuſing rather perpetual Baniſhment out of the Realm, than to ſtand to the Law, and be tried for the Felony: In which Caſe, before the Coroner he ſhall make ſuch Confeſſion which may make a ſufficient Indictment of Felony: Then the Coroner at the Common Law ſhall make him forſwear the Realm, and aſſign to him what Port he ſhall go, and ſhall ſwear him that he go not out of the High-way, and that he abide not at the Port (if he may have good paſſage) above one flood and one ebb; and if he cannot have paſſage, then he ſhall go every day during xl. days, in the Sea to the knees. But if ſuch a Felon as abjures goes out of the High-way, and flies to another place,

eſt en le Incumbent que eſt preſent, & puis ſon mort il neſt en aſcun, mes en *Abeyance*, tanque il ſoit un novel Incumbent, come eſt avant dit.

Vies *Litt. Lib.* 3. *c.* 11. *fo.* 145. *& Perk. ſo.* 12, 34, 35. *Sect.* 87.

Abiſherſing.

A*Biſherſing* (& en aſcun Copies *Miſherſing*, *Miſhering*, ou *Miskering*) *eſt quiet eſſe de Amerciamentis coram quibuſcunque de Tranſgreſſione probata.*

Abjuration.

A*Bjuration* eſt un Sereſment que home ou feme preignont quant ils ount commiſſe Felony, & fue al Eſgliſe, ou Cemitory, ou auter lieu privilege, pur tuition de lour vies, eſliſant pluiſtoſt perpetual Baniſhment hors de Royalm, que a eſtoyer a le Ley, & deſtre trie del Felony: En cel caſe, devant le Coroner il ferra tiel confeſſion que poit faire ſufficient enditement de Felony: donques le Coroner al Common Ley luy ferra de abjure la Realm, & aſſignera a luy a quel il alera, & luy jura, que il ne va hors del haut chimin, & que il ne demurra a le Port (ſi il poit aver bone paſſage) forſque un flood & un ebb; & ſi il ne poit aver paſſage, que il alera cheſcun jour, durant xl. jours, en le Mere a ſon genue. Mes ſi tiel Felon que abjure ala hors de la chimin & fua a auter lieu, ſi

il ſoit priſe, il ſerra ameſne devant le Judge, & la avera judgment deſtre pendus.

Et ſil que iſſint pria la privilege ne voile abjure, donques il avera privilege pur xl. jours, & cheſcun poit luy doner viand. Et ſi aſcun done luy viand apres xl. jours, meſque il ſoit ſa Feme, tiel doner eſt Felony. Auxy ceſtuy que abjure ſerra deliver per un Conſtable al auter, & de un Franchiſe al auter tanque il vient a ſon Port: Et ſi le Conſtable ne voit receive luy, il ſerra grievouſment amercie. Vide Juramentum in tractatu *De abjuratione Latronum.*

Ceſt Ley fuit inſtitute per S. *Edward* le Confeſſor, un Roy de ceſt Realm devant le Conquſt, & fuit ground ſur le Ley de merce, & pur le amour & reverence que il & auters ſes Succeſſors porteront al Meaſon de Dieu, ou lieu de Prayers & adminiſtration de ſon parol & Sacraments, le quel nous appellomus Eſgliſe. Nota, cel Ley eſt ore change per Statutes 21 *H.* 8. *cap.* 2. 22 *H.* 8. *cap.* 14. & 32 *H.* 8. *cap.* 12. per queux appiert, que il a cel jour ne abjurera le Realm, mes tout ſon liberty de ceſt Realm & tout ſon liberal & frank habitations, reſorts, & paſſage de touts lieux d ceſt Realm, a un certain lieu en cel Realm a ceo limit per 32 *H.* 8. *c.* 13. & 33 *H.* 8. *c.* 15. Vide plus in *Stamf. li* 2 *c.* 10. & vide ore le Stat. 1 *Jac. c.* 25. & 21 *Jac. c.* 28. pur repeal d touts Statuces q; cõcern perſons q; abjure, & le toller des touts Sanctuaries.

if he be taken, he ſhall be brought before the Judge, and there ſhall have Judgment to be hanged.

And if he who ſo prays the privilege will not abjure, then he ſhall have the privilege for xl. days, and every man may give him meat and drink. And if any give him ſuſtenance after xl. days, although it be his Wife, ſuch giving is Felony. Alſo he that doth abjure ſhall be delivered from one Conſtable to another, and from one Franchiſe to another, till he come to his Port: and if the Conſtable will not receive him, he ſhall be grievouſly amerced. See the Oath in the Treatiſe De abjuratione Latronum.

This Law was inſtituted by S. Edward the Confeſſor, a King of this Realm before the Conqueſt, and was grounded upon the Law of Mercy, and for the Love and Reverence he and others his Succeſſors did bear unto the Houſe of God, or place of Prayer and Adminiſtration of his Word and Sacraments, which we call the Church. Note, this Law is now changed by the Statutes 21 H. 8. cap. 2. 22 H. 8. cap. 14. and 32 H. 8 cap. 12. by which it appears, that he at this day ſhall not abjure the Realm, but all his Liberty of this Realm, and all his liberal and free habitations, reſorts, and paſſages from all places of this Realm, to one certain place in this Realm thereto limited by 32 H. 8 cap. 13. and 33 H. 8. c. 15. See more in Stamf. li. 2. c. 10 and ſee the Statutes 1 Jac. c. 25 and 21 Jac. c. 28. for the repeal of all Statutes concerning Abjured perſons, and the taking away of all Sanctuaries. See

See the Statutes of 35 El. chap. 12. for the Abjuration of Recuſants, and Stat. 1 Jac. c. 25. cap. 28.

Abridgment of a Plaint or Demand.

ABridgment of a Plaint or Demand is, where one brings an Aſſiſe, Writ of Dower, Writ of ward, or ſuch like: in which caſes, for that the Writ of Aſſiſe is, de libero tenemento, as in a Writ of Dower, the Writ is, Rationabilem dotem quæ contingit de libero tenemento W. her husband, and in a Writ of ward the Writ is, Cuſtod terrarum & hæredis, &c. without ſhewing any certainty in theſe Writs; but in the Plaint of the Aſſiſe, or Demand in the Writ of Dower, and in the count in the Writ of Ward, the Plaintiff or Demandant is to ſhew the certainty of the acres or parcels of Land: then if the Tenant pleads Nontenure, or Joyntenancy, or ſome other ſuch like Plea, to parcel of the Land demanded, in abatement of the Writ, the Plaintiff or Demandant may abridge his Plaint or Demand to that Parcel, that is, he may leave out that part, and pray that the Tenant may anſwer the reſt, to which he hath not yet pleaded any thing. The cauſe is, for that in ſuch Writs the certainty is not ſet down, but is generally: and notwithſtanding the Demandant hath abridged his Plaint or Demand in part, yet the Writ remains good ſtill for the reſt.

Abbuttals.

ABbuttals ſeem to come from the French Abutter, i. e. the

Veies le Stat. d 35 *El. cap.* 1, 2. pur Abjuration de Recuſants, & Stat. 1 *Jac. cap.* 25. *cap.* 28.

Abridgement de Plaint ou Demand.

A*Bridgment de Plaint ou Demand* eſt lou un port un Aſſiſe, Brief de Dower, brief de Gard, ou tiel ſemblables: en queux caſes p̄ ceo q; le brief d Aſſiſe eſt, *de libero tenemento*, come en brief de Dower, le brief eſt, *Rationabilem dotem quæ contingit de libero tenemento W.* ſon baron, & en un brief de Gard le brief eſt, *Cuſtod terrarum & hæredis, &c.* ſans monſtre aſcun auter certainty en les Briefs; mes en le Plaint del Aſſiſe, ou Demand en le brief de Dower, & en le Count en brief de Gard, le Plaintiff ou Demandant monſtra le certainty des acres ou parcels d Terre: la ſi le Tenāt plead Nontenure, ou Joyntenancy, ou aſcun auter tiel ſemblable plea, a parcel del ter' demād, c̄ abatemt del brē, le Plaintiff ou demandant poit abridger ſon Plaint ou Demād al ceſt parcel, ceſt adire, il poit omit hors ceſt part, & prie que le Tenant reſponder al reſt, a q̄ il ne ad unc̄ pled aſcun choſe. Le cauſe eſt, p̄ ceo q̄ en tielx Briefs le certainty neſt mis, mes eſt generalment: & nient obſtant le Demandant ad abridge ſon Plaint ou Demand en part, uncore le Brief demurre bone pur le reſidue.

Abbuttals.

A*bbuttals* ſemble de vener del Francois *Abutter*, i. e. les

les Buttings ou Boundings des Terres, declarãt as queux auters terres chemins ou auters lieus ils appartienont ou abuttant.

Buttings or Boundings of Lands, shewing to what other Lands, high-ways, or places they belong or are abutting.

Accedas ad Curiam.

A*Ccedas ad Curiam* est un Brief direct al Vicount, luy commandant de aler a tiel Court d aſcun Seignior ou Franchiſe, lou un Plaint est ſue p̄ priſel del avers cõe Diſtreſs, ou aſcun faux judgment est ſuppoſe destre fait ẽ aſcun Suit ẽ tiel Court, quel nest d Record ; & q̄ le Vicont la ferra Record del dit Sute ẽ preſence del Suitors d meſme le Court, & d quatuor auters Chivalers d le County, & ceo Record certifera al Court le Roy, & a cel jour quel est aſſigne en le Brief.

Veies *Fitz. Nat. Brev. fol.* 18. Il gist cybien p̄ Juſtice delay come pur Jugement falſement done, & est come un Brief de *Recordare*.

Ceſt Brief est fait hors del Chancery, & returnable in *Banco Regis* ou en le Common Pleas.

Accedas ad Curiam.

ACcedas ad Curiam is a Writ directed to the Sheriff, commanding him to go to ſuch a Court of ſome Lord, or Franchiſe, where a Plaint is ſued for taking of beaſts as a Diſtreſs, or any falſe Judgment is ſuppoſed to be made in any Suit in ſuch a Court, which is not of Record; and that the Sheriff ſhall there make Record of the ſaid Suit, in preſence of the Suitors of the ſame Court and of four other Knights of the County, and certifie it into the Kings Court, and at the day that is limited in the Writ.

See Firz. Nat Brev. fol. 18. It lies as well for Juſtice delayed, as Judgment falſly given, and is a Writ of Recordare.

This Writ is made out of Chancery, and returnable into the Kings Bench or Common Pleas.

Accedas ad Vicecomitem.

A*Ccedas ad Vicecomitem* est un Brief direct al Coroner, luy commandant a deliver un Brief al Vicont, q̄ aiant un *Pone* a luy deliver, ceo ſuppreſſe. *Regiſt. orig.* 83.

Accedas ad Vicecomitem.

ACcedas ad Vicecomitem is a Writ directed to the Coroner, commanding him to deliver a Writ to the Sheriff, who having a Pone delivered him, ſuppreſſes it. Regiſt. orig. 83.

Acceptance.

A*Cceptance* est un prendance en bon gree, & come un Agreement al aſcun choſe fait devant, le quel puit aver este disfait & avoid (ſi tiel Acceptance nad eſtre) p luy ou ceux que iſſint accep-

Acceptance.

ACceptance is a taking in good part, and as it were an Agreeing unto ſome act done before, which might have been undone and avoided (if ſuch Acceptance had not been) by him or them that ſo accepted: for

example

ample, if a Biſhop, before the Statute made 1 Eliz. leaſe part of the poſſeſſions of his Biſhoprick for term of Years, reſerving rent, and dies, and after another is made Biſhop, who accepts, that is, takes or receives the Rent when it is due and ought to be paid; now by this acceptance the Leaſe is made perfect and good, which elſe the new Biſhop might very well have avoided.

The like Law is, if a Man and his Wife ſeiſed of Land in right of the wife, joyn and make a Leaſe or Feoffment by Deed, reſerving rent, and the husband dies, ſhe accepts or receives the rent; by this the Feoffment or Leaſe is made perfect and good, and ſhall bar her of bringing a Cui in vita. Co. Lit. 211. b.

Acceſſories.

Acceſſories (Acceſſorius vel Acceſſorium particeps criminis) are of two ſorts, by the Common Law, and by the Statute Law. Acceſſory by the Common Law is alſo of two ſorts, the one before the Offence is done, the other after. Acceſſory before the fact, is he that commands or procures another to do Felony, and is not there preſent himſelf when the other does it; but if he be preſent, then he is called principal. Acceſſory after the Offence is he that receives, favours, aids, aſſiſts, or comforts any Man that hath done any murther or Felony, whereof he hath knowledge. Such an Acceſſory ſhall be puniſhed, and ſhall have judgment of Life and Member, as well as the Principal which did the Felony: but ſuch an Acceſſory ſhall nera: p̄ example, ſi un Eveſque, devāt le Stat' fait *anno primo Eliz.* leſſe part del poſſeſſions de ſon Eveſquery p̄ ans, reſervant Rent, & moruſt, & puis un auter eſt fait Eveſq̄, le q̄l accept', ceſt adire, priſt ou receive le Rent quāt il eſt due & doit eſtre pay; ore p̄ ceſt Acceptance le Leaſe eſt fait perfect & bon, le quel auterment le novel Eveſque poit aſſets bien avoid.

Semblable Ley eſt, ſi un home & ſa feme, ſeiſie d Ten̄ en droit del feme, joyn & font Leaſe ou Feoffment per fait reſervant Rent, & le baron moruſt, el accepta ou receive le Rent: p̄ cel le Feoffment ou Leaſe eſt fait perfect & bon. & ſerra bar̄ a luy de porter *Cui in vita. Co. Lit.* 211. *b.*

Acceſſories.

ACceſſories (*Acceſſorius vel Acceſſorium particeps criminis*) ſont en deux ſorts, p̄ ſe Common Ley, & p̄ le Statute Ley. Acceſſory p̄ le Common Ley eſt auxy en deux ſorts, lun avant le fact eſt fait, le auter puis. *Acceſſory* devant le fait eſt celuy que commanda ou procura auter d fair Felony, & neſt la preſent luy meſme quant lauter le fait; mes ſil ſoit preſent donques il eſt auxy Principal. *Acceſſory* puis le fait eſt celuy que receiva, favour, aida, aſſiſt, ou comfort aſcun home que ad fait aſcun Murder ou Felony dont il ad conuſans. Tiel Acceſſory ſerra puniſh, & avera judgment d vie & d member, auxy biē come le Principal q̄ fiſt le Felony: mes tiel Acceſſory ne ſer-

ra

ra jammes mis a reſponder a ceo tãq; le Principal ſoit cõvict ou attaint, ou ſoit utlage de ceo. En Manſlaughter hõe ne poitẽ Acceſſory devat le fait, car Manſlaughter coviẽt enſuer ſur ſodain debate ou affray; car ſi ſoit premeditate ceo eſt Murder. *Co. l. 4. f. 44. a.*

Mes un feme en tiel caſe ne ſerra Acceſſory p̃ le aider de ſon baron. En grand ou hault Treaſon, cibien les cõmanders come les aſſiſters & receivers ſont tout foits Principals.

Si home counſel un feme a murder lenfant en ſa venter, & apres lenfant eſt nee, & donque eſt murder per le feme en le abſence de ceſtuy que iſſint done le councel; uncore il eſt Acceſſory p̃ ſon counſelling devat le neſtr̃ del enfant, & nient ceo countermandant. *Dyer fo. 187. pl. 2.*

Auxy un poit eſtre acceſſory al Acceſſor̃; ſicome un felonioſm̃t receive un aut q̃ eſt acceſſory al Felony, la le Receiver eſt un Acceſſory.

En Offences plus hault ou plus mean ils ſont nul Acceſſories, mes touts ſont Principals, come en Hault Treaſon, *crimen læſæ Majeſtatis*: Iſſint en Treſpaſſes, forcible Entries, &c. queux ſont le plus mean.

Acceſſory per le Statute eſt tiel que abet, counſel ou receive aſcun home que commit, ou ad commit aſcun offence fait Felony per Statute: Car coment que le Statute ne fait mentiõ d Acceſſories, Abettors, &c uncore ils ſõt include p̃ le interpretation des dits Stat. *Stamf. Pl. cor. l. 1. c. 45, 46, 47, 48.*

ver be put to anſwer that till the Principal be attaint or convict, or be outlawed thereupon. In Manſlaughter a Man cannot be Acceſſory before the fact, for Manſlaughter ought to enſue upon a ſudden debate or affray; for if it be premeditated, it is Murther, Co. l. 4. fo. 44. a.

But a Woman in ſuch caſe ſhall not be Acceſſory for helping her Husband. In great or high Treaſon, as well the commanders as the Aſſiſters and receivers are always Principals.

If a Man councels a Woman to murther the Child in her Body, and after the Child is born, and then is murthered by the Woman in the abſence of him who ſo gave the counſel; yet he is Acceſſory by his counſelling before the birth of the Infant, and not countermanding it. Dyer fo. 186. pl. 2.

Alſo one may be Acceſſory to an Acceſſory; as if one feloniouſly receive another that is acceſſory to Felony, there the Receiver is an Acceſſory.

In higheſt and loweſt Offences there are no Acceſſories, but all are Principals, as in High Treaſon, *crimen læſæ Majeſtatis*: So in Treſpaſs, forcible Entries, &c. which are the loweſt.

Acceſſory by the Statute is ſuch an one as abets, counſels or receives any may who commits or hath committed any Offence made Felony by Statute: for although the Statute doth not make mention of Acceſſories, Abettors, &c. yet they are included by the interpretation of the ſaid Statutes. Stamf. Pl. cor. li. 1. c. 45, 46, 47, 48.

See more of Acceſſory in the ſaid Book of Pleas, lib. 1. cap. 44, 49, & 50.

Accompt.

ACcompt is a Writ, and it lies where a Bailiff or Receiver to any Lord, or other Man, who ought to render Accompt, will not give his Accompt; then he to whom the Accompt ought to be given ſhall have this Writ. And by the Statute of Weſtm. 2. c. 10. if the Accomptant be found in arrearages, the Auditors that are aſſigned to him have power to award him to priſon, there to abide till he have made ſatisfaction to the party. But if the Auditors will not allow reaſonable expence and coſts, or if they charge him with more receipts than they ought, then his next friend that will ſue for him ſhall ſue a Writ of Ex parte talis out of the Chancery directed to the Sheriff, to take four Mainpernors to bring his body before the Barons of the Exchequer at a certain day, and to warn the Lord to appear there the ſame day.

Accord.

ACcord is an agreement between two at the leaſt, to ſatisfie an Offence or Treſpaſs that the one hath made to the other, for which he hath agreed to ſatisfie and content him with ſome Recompence; which if it be executed and performed, then, becauſe this Recompence is a full ſatisfaction for the Offence, it ſhall be a good bar in Law, if the other after the Accord performed, ſhould ſue again any Action for the ſame Treſpaſs.

Voies pluis del *Acceſſory* in le dit Livre de les *Pleas*, *l.* 1. *cap.* 44, 49, *&* 50.

Accompt.

ACcompt eſt un Brief, & giſt lou Bailiff ou Receiver daſcun Seign. ou dautr' hon, q̄ doit render Accompt, ne voet render ſon Accompt; dōques celuy a q̄ l'Accompt doit eſtre render avera ceſt Brief. Et per le Statute de *Weſtm* 2. *c.* 10. ſi le Accomptant ſoit trove en arrearages, les Auditors q̄ ſont a luy aſſignes ont power de agarder luy a priſon, la a demurrer tanque il a fait gree al party. Mes ſi les Auditors ne voyllont allower reaſonable expence & coſtage, ou ils chargeront luy ove pluſors receipts que ils duiſſent, donques ſon prochein amy q̄ voit ſuer p̄ luy, ſuera un Brief d *Ex parte talis* hors del Chancery, direct al Vic̄ d prēder 4 Mainpernors de prender ſon corps devant les Barons del Exchequer a certain jour, & de garner le Seignior de appear̄ la a meſme le jour.

Accord.

ACcord eſt un Agreement perent' deux al meins, p̄ ſatisfie un Offence ou Treſpaſs que le un ad fait al aut', p̄ le quel il ad agree de ſatisfier & cōtent luy ove Recompēce; quel ſi ſoit execut' & perform, donques p̄ ceo que ceſt Recompence eſt un plene ſatisfaction pur le Offence, ſerra un bon bar̄ en le Ley, ſi lauter, apres l'Acord perform, voit ſuer arrere un Action p̄ meſme le Treſpaſs.

Nota,

Nota, q̄ le primer eſt properment appelle un *Accord*, le auter eſt un *Contract*.

Note, that the firſt is properly called an Accord, the other a Contract.

Acquital.

A *Cquital* eſt quant la eſt Seignior, Meſne, & Tenant, & le Tenant tient de le Meſne certain Ters ou Tenements en Frank-almoign, Frank-marriage, ou tielx ſemblables, & le Meſne tiēt ouſtr̄ auxy de Seignior paramount, ou deſuis luy. Ore doit le Meſne acquit ou diſcharge le Tenāt d̄ tout & cheſcun man̄ de Service q̄ aſcun auter voit aver ou demand d̄ luy cōcernāt meſmes les Terres ou Tenements, pur ceo q̄ le Tenant doit fair le ſervice a le Meſne tantſolem̄t, & nemy al divers Seigniors, p̄ un Tenement ou parcel del Terre. Meſme le Ley eſt ou il eſt Seign̄, Meſne, & Tenāt come avāt dit, & le Meſne grāt al Tenāt (ſur le tenur̄ fait pēt' eux) p̄ acquit & diſcharge luy de touts Rents, Services, & tiel ſemblables. Ceo Diſcharge eſt appel *Acquital*.

Meſme le Ley eſt, ſi Tenāt tient de ſon Meſne p̄ autiels Services, come le Meſne tient ouſter del Seignior, & le Tenant fait ou paya Services al Meſne, mes le Meſne ne feſoit ſes Services al Seignior paramount, p̄ que il diſtrain les Beaſts del Tenāt. En cel caſe le Meſne, per le oueltie des Services, doit acquit le Tenant del Services due al Seign̄r. Auxy la eſt *Acquital en Ley*, & *Acquital en Fait*. Acquital ē Ley eſt, ou denx ſont appeal ou endict de Felony, lun cōe Principal, lauter cōe Acceſſory; le Principal eſte-

Acquital.

A Cquital is where there is a Lord, Meſne, and Tenant, and the Tenant holds of the Meſne certain Lands or Tenements in Frank-almoign, Frank-marriage, or ſuch like, and the Meſne holds over alſo of the Lord paramount, or above him. Now ought the Meſne to acquit or diſcharge the Tenant of all and every manner of Service that any other would have and demand of him concerning the ſame Lands or Tenements, becauſe the Tenant muſt do his Service to the Meſne only, and not to divers Lords, for one Tenement or parcel of Land. The ſame Law is where there is Lord, Meſne, and Tenant, as aforeſaid, and the Meſne grants to the Tenant (upon the tenure made between them) to acquit and diſcharge him of all Rents, Services, and ſuch like. This Diſcharge is called Acquital.

Like Law is, if the Tenant holds of his Meſne by like Service, as the Meſne holds over of the Lord, and the Tenant doth, or pays his Services to the Meſne, but the Meſne doth not his Services to the chief Lord, wherefore he diſtrains the Beaſts of the Tenant. In this caſe the Meſne, for the equaline of the Services, ought to acquit the Tenant of the Service due unto the Lord. Alſo there is Acquital in Law, & acquital in fact. Acquital in Law is, when two are appealed or indicted of Felony, the one as Principal, the other as Acceſſory; the Princi-

cipal

cipal being discharged, the Accessory by consequence is also acquitted: and in this case, as the Accessory is acquired by the Law, so is the Principal in fact. Stamf. cor. pl. fo. 168.

Acquietandis Plegiis.

ACquietandis Plegiis is a Writ for a Surety against his Creditor, who refuses to acquit him after his Debt paid. Reg. fol. 150.

Acquittance.

ACquittance is a Discharge in Writing of a Sum of Money, or other Duty which ought to be paid or done. As if one be bound to pay Money upon Obligation, or Rent reserved upon a Lease, or such like, and the party to whom the Money or Duty should be paid or done, upon the receipt thereof, or upon other agreement between them had, makes a Writing or Bill of his hand in discharge thereof, witnessing that he is paid, or otherwise contented, and therefore doth acquit and discharge him of the same. Which Acquittance is such a discharge and bar in the Law, that he cannot demand and recover the Sum or duty again, if he produce the Acquittance.

This word differs from that which in the Civil Law is called Acceptation, because that may be by word without writing, and is nothing but a feigned Payment and Discharge, though no payment be had: For can it be said to be Apocha, which is a witnessing the payment or delivery of Money, which discharges not unless the Money be paid.

ant discharge, le Accessory p consequent est auxy acquit: Et ẽ ceste case, sicome l'Accessory est acquit per le Ley, issint est le Principal ẽ Fait. *Stamf. pl. cor. fol.* 168.

Acquietandis Plegiis.

A *Cquietandis Plegiis* est un Brief p̃ un Surety vers son Creditor qui refuse de acquitter luy depuis son debt pay. *Reg fol.* 158.

Acquittance.

A *Cquittance* est un Discharge en escript dun Sum de money, ou auter duty q̃ doit estre pay ou fait. Sicõe un soit oblige de payer money sur un obligation, ou Rẽt reserve sur un lease, ou tiel semblable, & le party a que le money ou duty doit estre pay ou fait sur le receit d̃ ceo, ou sur aut' agrẽment perenter eux ewe, fait Escript ou Bill de son mayn̄ en discharge d̃ ceo, testimoignãt q̃ il est pay, ou autermẽt cõtent, & pur ceo acquit & discharge luy de ceo. Le quel Acquittance est tiel Discharge & Bar en la ley, q̃ il ne poit demd̃ & recover m̃ le Sum ou duty aut' foits, sil poit monstre le Acquittance.

Ceste parol *differt ab hoc quod in Jure Civili* Acceptatio *dicitur, quia illud fieri potest verbo sine scripto, & nihil aliud est quam ficta Solutio & Liberatio, licet Solutio non sit: Nec* Apocha *dici potest, quæ cautio est solutæ datæve pecuniæ, quæ non liberat nisi pecunia soluta sit.*

Acre

Acre.

ACre eſt un certain parcel de Terre que contain en longuer 40 Perches, & en latitude 4 Perches, ou a ceſt quantity ſoit le lōguer pluis ou meins. Et ſi un hōe voile erect un novel Cottage il devoit amitter quater Acres d terre a ceo, ſolonq̄ ceſt meaſure, 31 *Eliz. cap.* 7. Et ove ceſt meaſure agree Mōſieur *Crompton* ē ſon *Juriſdiction de Courts, fo.* 222. Uncore il dit que, ſolonque les divers cuſtoms d ſeveral pais, le Perch differt eſteāt ē aſc lieux (& plus uſualm̄t) forſq̄ dixſize pees & demi: mes ē le Countie de *Staff.* le Perch eſt vint quat' pees com̄ fuit cy devāt adjudge ē le Exchequer. En Stat' fait añ 24 *H.* 8. *c.* 14. p̄ eblem̄t d Flax, 160 Perches font un Acre, le Ordinānce d admeaſurement de terre fait *ann.* 34 *E.* 1. *Stat.* 1. agree ove ceſt account.

Action.

ACtion eſt le forme de un Suit dōe per le Ley de recover choſe, cōe Actiō de Dett, & tielx ſemblable; ou cōe eſt *Co.* 8. *f.* 151. *a. Actio eſt jus proſequendi in judic' quod alicui debetur*; & eſt de trois ſorts, real, perſonal & mixt *Co* 2 *Inſt. fol.* 40.

Vide *Lexicon juris*, pur *Action.*

Action del Brief.

ACtion *del Brief* eſt un phraſe del parlance uſe quant un plead aſcun matter, per que il mōſtre que le Plaintiff nad cauſe daver le Brief q̄ il port, & unc̄ poit eſte q̄ il

Acre.

ACre is a certain parcel of Land that contains in length forty Perches, and in breadth four Perches, or of this quantity, be the length more or leſs. And if a Man will erect a new Cottage, he ought to lay four Acres of Land unto it, according to this meaſure, 31 Eliz. cap. 7. And with this meaſure agrees Maſter Crompton in his Juriſdiction of Courts, fol. 222. Yet he ſaith, that according to divers cuſtoms of ſeveral Countries, the Perch differs, being in ſome places (and moſt uſually) but ſixteen foot and an half: But in the County of Stafford, the Perch is twenty four foot, as was heretofore adjudged in the Exchequer. In the Stat. made an. 24 H. 8. c. 14 for the ſowing of Flax 160 Perches make an Acre. The Ordinance of meaſuring of land made an. 34 E. 1. St. 1. agrees with this account.

Action.

ACtion is the form of a Suit given by the Law to recover a thing; as an Action of Debt and ſuch like; or as it is Co. 8. f. 151. a. An Action is a right of proſecuting to judgment that which is due to any one; and is of three ſorts, real, perſonal and mixt. Co. 2. Inſt. fol. 40.

See the Lexicon of the Law for Action.

Action of a Writ.

ACtion of a Writ is a phraſe of ſpeech uſed when one pleads ſome matter, by which he ſhews that the Plaintiff had no cauſe to have the writ which he brought, and yet it may be that

ma

nay have another writ or action for the same matter. Such a Plea is called a Plea to the Action of the Writ: whereas if by the Plea it should appear that the Plaintiff hath no cause to have an Action for the thing demanded, then it shall be called a Plea to the Action.

Action upon the Case.

ACtion upon the Case is a Writ brought against one for an Offence done without force, as for not performing promise made by the Defendant to the Plaintiff, or for speaking of words by which the Plaintiff is defamed, or for other misdemeanour or deceit; where the whole case shall be contained in the Writ.

Trover, Nusance, Slander of the Person, Trade, Title, Escape on mesne Process, for negligent keeping Fire, for inartificial performing work, for turning an ancient Watercurse, for a Commoner against one who digs the soil of his Common, or puts his Cattel on it without right, or incloseth part of the Common.

Action mixt.

ACtion mixt is a Suit given by the Law to recover the thing demanded, and damages for the wrong done; as in Assise of Novel Disseisin, which writ (if the Disseisor have a Feoffm. to another) the Disseisee shall have against the Disseisor and the Feoffee or other ter-ten, and thereby shall recover his Seisin of the Land, and his damages for the mean profits, and for the wrong done him. And so is an Action of Waste & Quare impedit. But an Action of Detinue is not called an Action mixt, although by it the thing

poit aver auter Brief ou Action p̄ meſme le matter. Tiel Plea eſt appel *Plea al Action del Brief*: lou ſi p̄ la Plea appiert q̄ le Plaint' naveroit aſc̄ cauſe de aver aſcun Action pur le choſe demand, donques ceo ſerra dit Plea al Action.

Action ſur le Caſe.

ACtion ſur le Caſe eſt Brief port envers un p̄ aſcun Offence fait ſans force, come p̄ niēt pformāce del Promiſe fait p̄ le Defendāt al Plaintiff, ou p̄ parlance des parols p̄ queux le Plaintiff eſt defame, ou p̄ auter miſdemeanour ou deceit; lou tout le caſe ſerra contenus en le Brief.

Trover, Nuſance, Slander de Perſon, Trade, de Title, Eſcape ſur meſne proceſs, p̄ negligent garder de ſon feu, pur inartificialm̄t *perſormando opera, pro divertendo antiquum curſum aquæ*, pro Commoner vers un q̄ foder le ſoil del Common ou enjetta ſes avers en ceo ſans droit, ou incloſe parcel de le Common.

Action mixt.

ACtion mixt eſt un Suit dōe per le Ley de recover le choſe demand, & damages p̄ le tort fait; come en *Aſſiſe de nov' diſſeiſin*. Quel Brief (ſi le Diſſeiſſor fait Feoffm̄t al aut') le Diſſeiſſee avera vers le Diſſeiſſor & le Feoffee ou aut' ter-tenāt, & ē ceo recovera ſon Seiſin del ter̄, & ſes damages p̄ le mean profits, & p̄ le tort a luy fait. Et iſſint eſt un Action d̄ *Waſt* & *Quare impedit*. Mes un Actiō d̄ Detinue neſt appel *Action mixt*, coñent p̄ ceo le choſe dete-

nus eſt demand, & ſerra recover ſi poit ẽ trove, & damages p̄ le detaiñ; & ſi ne poit eſtre trove, donque damages p̄ la choſe & le detainer.

Mes ceo eſt appel ſolement *Action perſonal*, pur ceo que ſerra port ſolement p̄ biens, ou Chattels ou Charters.

Action ſur le Statute.

ACtion ſur le Statute eſt Brief foundu ſur aſcun Statute, lou per aſcun Statute Action eſt done a un ẽ aſcun caſe lou nul tiel Action fuit devant: Come lou un commit Perjury al prejudice dun aut' celuy q̄ eſt damnifie avera Brief ſur le Statute & ſon Caſe. Et le difference enter Actiõ ſur le Statute & Action popular eſt, Que lou le Statute done le Suit ou Actiõ al party grieve, ou auterment a un perſon certain, ceo eſt appel *Action ſur le Statute*: Mes lou per le Statute authority eſt done a cheſcun que voile de ſuer, ceo eſt appel *Action popular*.

Actions perſonal.

ACtions perſonal ſont tiels Actions p̄ queux home claime dette, ou auter biens & chateux, ou damag' p̄ eux, ou damage p̄ tort fait a ſon pſon: & eſt properm̄t cẽ q̄ ẽ le Civil Ley eſt appel *Action in perſonam, quæ adverſus eum intenditur qui ex Contractu vel Delicto obligatus eſt aliquid dare vel concedere.*

Action popular.

ACtion perſonal eſt un Action q̄ eſt done ſur le breach daſcun penal Statute, le quel

withheld is demanded, and ſhall be recovered if it may be found, and damages for the withholding; and if it cannot be found, then damages for the thing and the detaining.

But that is called only an Action perſonal, becauſe it ſhould be brought only for Goods and Chattels, or Charters.

Action upon the Statute.

ACtion upon the Statute is a Writ founded upon any Statute whereby an Action is given to one in any caſe where no Action was before: As where one commits Perjury to the prejudice of another, he who is indamaged ſhall have a Writ upon the Statute, and his caſe. And the difference between an Action upon the Statute, and Action popular is, That where the Statute gives the Suit or Action to the party grieved, or otherwiſe to one perſon certain, that is called Action upon the Statute: But where by the Statute Authority is given to every one that will to ſue, that is termed Action popular.

Actions perſonal.

ACtions perſonal are ſuch Actions whereby a Man claims Debt, or other Goods and Chattels, or damage for them, or damages for wrong done to his Perſon, and it is properly that which in the Civil Law is called Actio in perſonam, which is brought againſt him who is bound by Covenant or Defaut to give or grant any thing.

Action popular.

ACtion popular is an Action given upon the breach of ſome penal Statute, which

ſta

ction every Man that will may ſue for himſelf and the King, by information or otherwiſe, as the Statute allows, and the Caſe requires. And of theſe Actions there are an infinite number; but one for example: as when any of the Jury, that are impannelled and ſworn to paſs between Party and Party indifferently, do take any thing of the one ſide or other, or of both Parties, to ſay their Verdict on that ſide, then any Man that will, within the Year following the Offence, may ſue a Writ called Decies tantum againſt him or them that ſo did take to give his Verdict. And becauſe this Action is not given to one eſpecially, but generally to any of the Kings People that will ſue, it is called an Action popular. But in this caſe when one hath begun to purſue an Action, no other may ſue it; and in this, as it ſeems, it varies from an Action popular by the Civil Law.

According to the Stat. 1 H. 8. c. 4. it is enacted, that in all Actions perſonal, information ſhall be given within three Years after the Offence committed, otherwiſe to be of no force.

Actions real.

ACtions real are ſuch Actions whereby the Demandant claims Title to any Lands or Tenements, Rents or Commons, in Fee-ſimple, Fee-tail, or for Term of Life. Every Action real is either poſſeſſory, that is, of his own poſſeſſion or ſeiſin; or anceſtrel, ſcil. of the ſeiſin or poſſeſſion of his anceſtor. Co. lib. 6. fol. 3.

Action cheſcun hõe que voit poit ſuer pur luy meſme & le Roy, per information ou auterment, cõe le Statute allow, & le caſe require. Et d ceux Actions il y ad infinite number; mes un p̃ example eſt: Quant aſcun del Jury, que ſont impannel & jurus de paſſer parenter party & party indifferentment, prist aſcun choſe de lun part ou lauter, ou de ambideux parties pur lour Verdict dire al ceo part, donques aſcun hom q̃ voit, deins lan procheine enſuant le offence, poit ſuer un Brief appel *Decies tantum* envers luy ou ceux que iſſint prist p̃ lour Verdict dire. Et p̃ ceo q̃ ceſt Action neſt dõe al un home ſpecialment, mes generalm̃ al aſcun des les people del Roy q̃ voit ſuer, il eſt appel un *Act' popular*. Mes ẽ cel caſe quãt un avoit comẽce d p̃ſuer cel Act', nul aut' poit c̃ ſuer, & ẽ c̃, cõe ſeẽ, cel vary del act' popul' p̃ le civil ley.

Solonque le Stat. 1 *H.* 8. *c.* 4. eſt enact, que en touts Actions perſonals, information ſerra fait deins trois ans puis le Offence comit, auterment d'eſtre de nul vigour.

Actions real.

A *Ctions real* ſonts tiels Actions p̃ queux le Demãdãt claime title al aſcun Teſs ou Tenements, Rents, ou Cõmõs, en fee-ſimple, fee-tail, ou p̃ terme d vie. Cheſcun actiõ real eſt ou poſſeſſor̃, ceſt-aſcavoir, de ſon poſſeſſion ou ſeiſin demeſne; ou anceſtrel, *ſc.* del ſeiſin ou poſſeſſion d ſon anceſtor. *Co. l. 6. f. 3.*

Acts.

ACts d Parliamēt, ſont Leys poſitive, que conſiſt de deux parts, ceſt adire, d les parolx del Act, & del ſenſe d ceo; & ils ambideux jōyt enſemble font la Ley.

Additions.

ADdition eſt ceo que eſt done al home ouſter ſon proper noſme & ſurnoſme, cē adire, p̄ monſtrer de quel Eſtate, Degree, ou Myſtery il eſt, & de quel Vill, Hamlet, ou County.

Additiōs d Eſtate ſōt ceux, Yeoman, Gentleman, Eſquire, & tiels ſemblables.

Additiōs d degree ſōt ceux q̄ nous appelomus noſmes d Dignity; come Chivalier, Count, Marqueſs, Duc.

Additions d Myſtery ſont ceux, Scriveñ, Painter, Maſon, Carpent', & touts aut's d ſēblable nature: car Myſtery eſt le craft ou occupation p̄ que home gain ſon living.

Additiō d Villes, cōe Sale, Dale; & iſſint d les auters.

Et lou un home ad houſhold en deux lieux, il ſerra dit demurrer en ambideux; iſſint que ſon Addition ē un de eux ſuffiſt.

Fuit ordeine per le Statute *An.* 1. *H.* 5. *c.* 5. que en Suits ou Actions ou proceſs d Utlagary giſt, tiels Additions ſerra noſme del Defend', a declarer ſon eſtate, myſtery, & lieu ou il inhabit; & que tiels Briefs abateront ſils ne ount tils Additiōs, ſi le Defendāt priſt exception a ceo; mes ils ne abateront p̄ office del Court.

Acts.

ACts of Parliament are poſitive Laws, which conſiſt of two parts, that is to ſay, of the words of the Act, and of the ſenſe; and they both joyned together make the Law.

Additions.

ADdition is that which is given to a Man beſides his proper Name and Surname, that is to ſay, of what Eſtate, Degree, or Myſtery he is, and of what Town, Hamlet, or County.

Additions of Eſtate are theſe, Yeoman, Gentleman, Eſquire, and ſuch like.

Additions of Degree are theſe which we call names of Dignity; as Knight, Earl, Marqueſs, Duke.

Additions of Myſtery, are Scrivener, Painter, Maſon, Carpenter, and all other of like nature: for Myſtery is the craft or Occupation whereby a Man gets his living.

Additions of Town, as Sale, Dale; and ſo of the reſt.

And where a Man hath a houſhold in two places, he ſhall be ſaid to dwell in both of them; ſo that his Addition in one of them doth ſuffice.

By the Stat. An. 1. H. 5. c. 5. it was ordained that in Suits or Actions where proceſs of Utlary lies, ſuch Additions ſhould be to the name of the Defendant, to ſhew his eſtate, myſtery, and place where he dwells; and that ſuch Writs ſhall abate, if they have not ſuch Additions, if the Defendant take exception thereto; but they ſhall not abate by the Office of the Court.

Alſo

Also Duke, Marquess, Earl, or Knight, are none of those Additions, but names of Dignity, which should have been given before the Statute.

And this was ordained by the said Statute, to the intent that one Man might not be grieved nor troubled by the Utlary of another: But that by reason of the certain Addition, every man might be certainly known, and bear his own burthen.

In Original Writs, where Exigent shall be awarded, addition of the Defendant's Names shall be inserted, but surplusage of the addition shall not prejudice. See Rast. f 107, 280. Stat. 8. H 6. c. 12. 9 H. 8. c. 4. 5 El. c. 23. Vet. Nat. Brev. 162. See 8 Rep. Blackmore's Case.

Adjournment.

ADjournment is, when any Court is dissolved and determined for the present, and assigned to be kept again at another place or time, and (methinks) is compounded of two words (ad, or al, and jour.

Admeasurement of Dower.

ADmeasurement of Dower is a Writ that lies where a woman is endowed by an Infant, by a Gardian of more than she ought to have; the Heir in such case shall have this writ, where the woman shall be admeasured, and the Heir restor'd to the surplus. But if one abate, that is, one who hath no right enter after the death of the husband, and indow the wife of him that is dead, of more than she ought to have, the Heir shall not have this Writ, but Assise d

Auxy, Duke, Marqs, Counte, ou Chivaler, ne sont pas de ceux additiõs, mes noſmes d Dignity, queux duissoint aver estre done devant le Statute.

Et ceo suit ordeine per le dit Statute, al intent que un home ne serroit grieve ne trouble per le Utlagarie d un auter: Mes que per reason d le certain Addition, chescun home poit estre certainment conus. & porter sa burden demesne

En Original Briefs lou Exigent serra agard, additiõ d noſmes des Defendat serra insert, mes surplusage del addition ne noyera. Vid. *Rast. fol.* 107, 280. *Stat.* 8. *H.* 6. *c.* 12. 9 *H.* 8. *c.* 4. 5 *El. c.* 23. *Vet. Nat. Brev.* 162. Vid. 8 *Rep. Blackmore's Case.*

Adjournment.

A*Djournment* est, quãt ascun Court est dissolve & determin a present, & assigne destre garde arreare al auter lieu ou temps, & (moy semble) est compound de deux parols (*ad*, ou *al*, *& jour*)

Admeasurement de Dower.

A*Dmeasurement de Dower* est un Brief que gist lou un feme est endow p un Infant ou p un Gardein de pluis q devoit aver; le Heir en tiel case avera cest Brief, per quel la feme serra admeasure, & le Heir restore a le surplusage. Mes si un abate, cest adire, un que nad droit enter apres le mort d baron, & endow le feme de cestuy que est mort d pluis que doit aver, le Heir navera cest Brief, mes *Assise de Mordancestor*,

ceſtor, vers la feme: & ſi el plede que el fuit endow de ceo terre come del Franktenement ſa baron, le Heir monſtre coment el fuit endow per le Abator, & que el ad pluis que devoit aver, & priera que il ſoit reſtore al ſurpluſage; & ſi ſoit trove, il ſerra reſtore.

Mordanceſtor, againſt the Woman: and if ſhe plead that ſhe was indowed of the Land as of the Free-hold of her Husband, the Heir ſhall ſhew how ſhe was indowed by the Abettor, and that ſhe had more than ſhe ought to have, and ſhall pray that he may be reſtor'd to the ſurpluſage; and if it be found, he ſhall be reſtor'd.

Admeaſurement de Paſture.

ADmeaſurement de Paſture eſt un Brief, q̃ giſt lou pluſors Tenants ont Common append ẽ auter teſ, & un ſurcharge le Coñon ove pluſors avers: donques lauters Commõers poient aver ceſt Brief vers luy Et auxy poit eẽ port p̃ un Coñon' ſolement: mes donques covient eſtre port vers touts lauters Commõers & vers ceſtuy que ſurcharge, p̃ ceo que touts les Coñoners ſerront admeaſures.

Et ceo Brẽ ne giſt vers luy ne pur luy que ad Common appurtenant, ou Common in groſs; mes ceux q̃ ont Common appendãt, ou Common pur cauſe de vicinage.

Vide le diverſity de tout ceux Commons apres en le title de *Common*.

Auxy ceſt Brief ne giſt p̃ le Seignior, ne vers le Seignior, mes le Seignior poit diſtrain les avers le Tenant q̃ ſont ſurpluſage. Mes ſi le Seignior ſurcharge le Common, les Coñoners nont remedy per le common Ley, mes un Aſſiſe de ſon Common.

Admeaſurement of Paſture.

ADmeaſurement of Paſture is a Writ that lies where many Tenants have Common appendant in another ground and one overcharges the Common with many Beaſts: then the other Commoners may have this Writ againſt him. And alſo it may be brought by one Commoner only: but then it ought to be brought againſt all the other Commoners, & againſt him that ſurcharged, for that all the Commoners ſhall be admeaſured.

And this Writ lies not againſt him nor for him that hath Common appurtenant, or Common in groſs; but thoſe who have Common appendant, or Common becauſe of vicinage.

See the diverſity of all theſe Commons afterwards in the title of Common

Alſo this Writ lies not for the Lord, nor againſt the Lord, but the Lord may diſtrain the Beaſts of the Tenant that are ſurpluſage. But if the Lord overcharge the Common, the Commoner hath no remedy by the common Law, but an Aſſiſe of his Common.

Adminiſtrator.

ADminiſtrator eſt celuy a que le Ordinary commit le adminiſtration des biens

Adminiſtrator.

ADminiſtrator is he to whom the Ordinary commits the adminiſtration of the goods of dea

dead man for default of an Executor, and an Action shall lie against him, and for him, as for an Executor, and he shall be charged to the value of the Goods of the dead Man, and no further, unless it be by his own false Plea, or by wasting the Goods of the dead. If the Administrator die, his Executors are not Administrators, but it behoves the Ordinary to commit a new administration. And if a stranger that is not Administrator nor Executor take the Goods of the dead, and administer of his own wrong, he shall be charged and sued as an Executor, and not as Administrator, in any Action brought against him by any Creditor. But if the Ordinary make a Letter ad colligendum bona defuncti, he that hath such a Letter is not Administrator, but the Action lieth against the Ordinary, as well as if he take the Goods in his own hand, or by the hand of any of his Servants by any other commandment.

There is also another sort of Administrator, where one makes his will and makes an Infant under the age of 17 his Executor. The Bishop commits administration to some Friend during the nonage of the Executor, which Administrator if he sue, does not declare that the deceased died intestate. Which administration ceases when the Infant is 17 Years old.

Admiral.

ADmiral is a high Officer that has the Government of the Kings Navy, and the hearing and determining of all Causes, as well civil as criminal

le mort pur default de Execuor, & un Action gier' vers luy, & p̄ luy, come pur Executor, & serra charge jesques al value des biens le mort, & nient ouster, sil ne soit p̄ son faux Plea, ou p̄ ceo que il ad wast les biens le mort. Si le Administrator devie, ses Executors ne sont Administrators, mes covient al Ordinary de comitter novel administration. Et si un estrange, que nest Administrator ne Executor, prists les biens del mort, & administer de son tort demesne, il serra charge & sue cōe Executor, & nemy come Administrat', en ascun Action que est port vers luy per ascun Creditor. Mes si le Ordinary fait un Brief *ad colligendum bona defuncti*, celuy q̄ ad tiel Lett' nest Administrator, mes le Actiō gist vers le Ordinary, auxy bien come sil prist le biens ē son main demesne, ou p̄ le main d̄ ascun d̄ ses servants per ascun auter commandement.

Est auxy un auter sort de Administrator, lou un fist son volunt, & fist un infant deins age de 17 son Executor. Le Evesque commit administration al ascun amy durant le nonage de le Executor, quel Administrat' sil sue, ne count q̄ le mort devy intest'. Quel administration cessa quant le enfant est 17 ans d̄ age.

Admiral.

A *Dmiral* est un haut Officer que ad le Regiment de la Navy del Roy, & l' auditi-on & termination de tout Causes cybien civil com̄ criminel

minel appurtenant al Mere; & pur ceſt purpoſe il ad ſon Court appel le *Admiralty*. Il poit cauſer ſon Citatiō deſtr̄ ſerve ſur le Teꝛ̄, & prēder le corps del party ou biens en Execut' ſur Terre.

Item il ad cogniſance del mort ou maihem d̄ un hōe, fait ē aſcun grand Nief fleetant en grand Rivers en le Realm, debaſe les Ponts de eux prochein al Mere

Auxy p̄ arreſt Niefs en les grand Streams pur les voiages del Roy & Realm; & ad juriſdiction en les dits Streams durant meſmes Voiages.

nal belonging to the Sea; and to that purpoſe hath his Court called the Admiralty. He may cauſe his Citation to be ſerved upon the Land, and take the parties body or goods in execution upon the Land.

Alſo he hath cognizance of the death or maihem of a Man, committed in any great Ship fleeting in great Rivers in the Realm, beneath the Bridges of the ſame next the Sea.

Alſo to arreſt Ships in the great Streams for the Voiages of the King and Realm; and hath Juriſdiction in the ſaid Streams during the ſame Voiages.

Admittendo Clerico.

A *Dmittendo Clerico* eſt un Brief grant a celuy que avoit recover ſon droit al Preſentation vers le Eveſque en le *Com. B.* Veies le form de ceo en *Fitz. Nat. Brev.* 38. *& Reg. Orig.* 33. *a.*

Admittendo Clerico.

A Dmittendo Clerico is a Writ granted to him who hath recovered his Right to a Preſentation againſt the Biſhop in the Com. B. See the form of it in Fitz. Nat. Brev. 38. & Reg. Orig. 33. a.

Ad quod damnum.

A *D quod Damnum* eſt un Brief q̄ doit eſtr̄ ſue devāt le Roy grant certain Liberties, come Faire, Market, ou tielx ſemblables, q̄ux poiēt eſtr̄ prejudicial al aut'. Et p ceo ſerra inquire ſi ſerroit prejudice a granter eux, & a que ſerra prejudicial, & que prejudice ent aviendra.

Eſt auxy un auter Brief d̄ *Ad quod damnum*, ſi un voil divert un common chymin, & faire un novel chymin cy beneficial. Ambideux queux (coment trove deſtre nient prejudicial) poiēt eſtre travers en auter Action, coment que le Roy ad fait ſon grant purſuant al Verdict del Jury.

Ad quod damnum.

A D quod Damnum is a Writ which ought to be ſued before the King grant certain Liberties, as a Fair, Market, or ſuch like, which may be prejudicial to others. And thereby it ſhall be required if it ſhould be a prejudice to grant them, and to whom it ſhall be prejudicial, and what prejudice ſhall come thereby.

There is alſo another Writ of Ad quod damnum, if any one will turn a common High-way and lay out another way as beneficial. Both which (tho' not found to be prejudicial) may be traverſed in another Action, although the King hath made his grant purſuant to the Verdict of the Jury.

Advent-

Advent.

ADvent is a time which contains about a Month next before the Feast of the Nativity of our Saviour Christ; and heretofore called a holy Preparation against the coming of our Lord. In which our Ancestors reposed great Reverence for the nearness of that solemn Feast; so that all Suits in Law were then remitted for a season: wherefore there was a Statute ordained, Westm. 1. cap. 48 that, notwithstanding the said Solemnity, it might be lawful, in respect of Justice and Charity, to take Assises of Novel disseisin and Darreige Presentment, in the times of Advent, Septuagesima, and Lent. This is one of the times from the beginning of which until the Octaves of Epiphany, the solemnizing of Marriages is prohibited to be solemnized without special Licence, according to the Verses:

Advent all Marriage forbids,
Hilary's Feast to Nuptials tends:
And *Septuagint* no Wedding rids,
Yet *Easter*'s Octaves that amends.
Rogation hinders hasty Loves,
But *Trinity* that let removes.

But the Bishop may dispense with a Marriage within these times, and it is good.

Advowson.

ADvowson is, where a Man and his heirs have a right to present their Clerk to a Parsonage, or other spiritual Benefice, when it becomes void. And he which hath such right to present is called Patron.

Advent.

A *Dvent* est un temps que contein environ un moys prochein devant le Feast del Nestr de nostre Saviour Christ; & pur ceo vocat' *Præparatio Jancta in adventum Domini.* En que nostre Ancestors ont repose grand reverence pur le propinquity d cel solemn Feast, issint que touts Suits en Ley fuer donques remit pur un season. Pur quoy la fuit un Statute ordein, *West.* 1. *c.* 48. que nient obstant le dit Solemnity, puit estre Loyal, ē respect de Justice & Charity a prender Assises de *Novel disseisin* & *Darreine presentment*, en le temps *de Advent Septuagesima*, & *Quadragesima*. Cest un des temps d le comencemt de quel usque a les Octaves de l'Epiphany le solemnizing de Espousals sont prohibit destre solempnize sans especial Licence, accordant a less Verses:

Conjugium Adventus *prohibet*,
Hilarique *relaxat*:
Septuagena *vetat*, *sed* Paschæ
Octava reducit.
Rogatio *veti at*, *concedit*
Trina potestas.

Mes l'Evesque poit dispense ove un Marriage deins ceux temps & ceo est bien.

Advowson.

A *Dvowson* est, lou un home & ses heirs ont droit de presenter lour Clerk al un Parsonage, ou aut' Espiritual Bēefice quāt il devient void. Et celuy q̄ ad tiel droit de presenter est appel *Patron.*

En

En groſs eſt lou home eſt ſeiſie de ceo ſolement per luy meſme. Et eſt Advowſon appendant al un Mannor ou al un Rectory, & ceo poit eſtre vend a p luy, & tunc eſt en groſs & ſever del Mannor & Rectory.

In groſs is when one is ſeiſed of it only by it ſelf. And there is an Advowſon appendant to a Mannor, or to a Rectory; and this may be ſold by it ſelf and then it is in groſs, and is ſevered from the Mannor and Rectory.

Ad ventrem inſpiciendum.

AD *ventrem inſpiciendum* eſt un Brief mention en le Stat. de Eſſoins, *An.* 12. *Ed.* 2.

Ad ventrem inſpicicndum.

AD ventrem inſpiciendum is a Writ mentioned in the Stat. de Eſſoins, An. 12. Ed. 2.

Advocatione decimarum.

A*Dvocatione decimarum* eſt un Brief que giſt pur le claimer de quart part ou pluis de diſmes que appertienont al Eſgliſe. *Reg. Brev. fol.* 29. b.

Advocatione decimarum.

ADvocatione decimarum is a Writ which lies for claiming the fourth part or more of Tithes which belong to the Church. Reg. of Writs, fol. 29. b.

Affeerors.

A*Ffeerors* ſont tiels que ſont deſigne en Court-leets, &c. a mulcter tiels que ont commit aſcun peche que eſt arbitrablem̃t puniſhable, & p̄ quel nul expreſſe penalty eſt preſcribe per Statute. Poies veier le form de lour Seremt ē *Kitch fo.* 46. Si les Jurors en un Leet recevont les Articles, & eſteant command a reſponder al eux, & preſēt, ils refuſe iſſint a faire, donq; ils ſerrōt amercie; uncore l'amerciam̃t d̄ cheſcun Juror ſerra affeere ſolōque a ſon offence. Iſſint ē aſſiſe d̄ *Novel diſſeiſin* touts les Diſſeiſors ſerront amercie, & cheſcun ſerra affeer a p luy. Mes ſi un Ville ſoit amercie, la l'Affeerāce ſera gēeral, car la neſt aſc̄ certain perſōnoſm̃, come en les caſes pavant dit. Et ſi un Jury ē un Leet taxe un amerciam̃t, ceo ſuffiſt ſans

Affeerors.

AFfeerors are ſuch as be appointed in Court-leets, &c. to mulct thoſe who have committed any fault which is arbitrably puniſhable, and for which no expreſs penalty is preſcribed by Statute. You may ſee the form of their Oath in Kitchin fol. 46. If the Jurors in the Leet receive the Articles, and being commanded to anſwer to them and preſent, they refuſe ſo to do then they ſhall be amerced; ſo the amerciament of every Juror ſhall be affeered according to his offence. So in aſſiſe of Novel diſſeiſin all the Diſſeiſors ſhall be amerced, and every one ſhall be affeered by himſelf. So if a Town be amerced, then the afferance ſhall be general, for there is not any certain perſon named, as in the caſes afore ſaid. And if a Jury in a Leet tax an amerciament, this ſuffices without any affeerment;

be amerciament is the act of the Court, and the affeerment the act of the Jury. Coke lib. 8. fol. 39, 40. b. & lib. 11. Godfrey's Case.

Affiance.

AFfiance is, the plighting of troth betwixt a man and a woman upon an agreement of a Marriage to be had between them; and affidare, from whence this word is derived, is as much as fidem ad alium dare. And this word Affiance is used by Littleton, chap. Dower, Sect. 39.

Afforest.

AFforest is, to turn ground into Forest. Charta de Foresta, cap. 1. & 30. Anno 9. H. 3.

Affray.

AFfray comes of the French word (effrayer) which signifies to affright or scare; therefore an Affray may be without word or blow given, and so this word is used in the Statute of North. 2 E. 3. cap. 3. But it is in our Books many times confounded with the word Assault, as it appears by Lambert in his Eirenarch lib. 1. cap. 17. Yet, as it is there said, they differ in this, that an Assault is but a wrong to the Party, but an Affray is a wrong to the Common-wealth: and therefore an Affray is inquirable and punishable in a Leet. Also an Assault is made most commonly but on one side; but an Affray is the fighting of many together.

asc̃ affeermm̃t, car le amerciam̃t est le act del Court, & le affeerm̃t le act del Jury. *Co. lib. 8. f. 39, 40. b. & lib. 11. Godfrey's Case.*

Affiance.

A *Ffiance* est le plight del foy ent' home & feme sur un agreement dun Marriage deē solemnize entre eux; & *affidare*, d̄ quel cest parol est derive, est tant a dire come *fidem ad alium dare*. Et cest parol *Affiance* est use per *Littleton, chap.* de *Dower, Sect.* 39.

Afforest.

A *Fforest* est, converter terre en Forest. *Charta de Forest. cap.* 1. *&* 30. *An.* 9. *H.* 3.

Affray.

A *Ffray* venust del parol Francois (*effrayer*) que signifie *terrere* sive *horrificare*; & isſint un Affray poit estre sans parol ou buffe dōe, & isſint cest parol est use ē le Stat' de *Nort'.* 2. *E.* 3. *c.* 3. Mes en nostre livres c̄ parol est pluis foits cōfound ove le parol *Assault*, come appiert per *Lambert* en son *Eirenarch. lib.* 1. *c.* 17. Mes uncore, come est la dit, ils differōt en ceo, q̄ un Assault nest forsque un tort al party, mes un Affray est un tort al bien publique: & p̄ ceo un Affray est inquirable & punishable ē un Leet. Auxy un Assault est fait plus tost forsque sur lun part: mes un Affray est le cōbatre de plusors ensemble.

Age prier.

AGE *prier* eſt, quant Action eſt port vers un Enfant de Terre que il ad p diſcent, la il monſtra le matter al Court, & prayera que le Action demur tanque a ſon plein age de 21 ans, & iſſint p agarde de Court le Suit ſurceſſera.

Mes en Brief de Dower & en Aſſiſe, & auxy en tiels Actions lou le Infant eſt ſuppoſe a vener al Terre en demand d ſon tort demeſne, il navera ſa age.

Auxy nota, que ſont pluſors diverſities de Ages. Car le Seignior avera aide de ſon Tenant en Socage pur marrier ſa file, quant la file eſt del age de ſept ans; & aide pur faire ſon fits & heir Chivaler, quant il eſt del age de ſept ans.

Feme que eſt Eſpouſe al age de 9 ans, ſi ſa baron moruſt ſeiſie, avera Dower, & nemy devant

Auxy 14 ans eſt le age de feme, que ne ſerra ē Gard, ſi el fuit de tiel age al temps del mort ſon Anceſtor; mes ſi el fuit deins age de 14 ans, & en gard ſon Seignior, donques el ſerra en Gard tanque al age de 16 ans. Et 21 ans eſt le age de Heir male deſtre ē Gard, & apres ceo hors de Gard.

Et auxy il eſt le age d male & female d ſuer & deſtr̄ ſue des Terres que ils ont claim̄ per deſcent, & d faire touts manners d Contracts & Bargains, & nient devant: mes ſi tiel Enfant deins age de 21 ans don̄ ſes biens, & le Donee eux priſt, le Enfant poit

Age prier.

AGE prier is, when an Action is brought againſt an Infant for Land which he hath by deſcent, there he ſhall ſhew the matter to the Court, and ſhall pray that the Action may ſtay till his full age of 21 years, and ſo by award of the Court the Suit ſhall ſurceaſe.

But in a Writ of Dower and in Aſſiſe, and alſo in ſuch Actions where the Infant is ſuppoſed to come to the Land demanded by his own wrong, he ſhall not have his age.

And note well, that there are many diverſities of ages. For the Lord ſhall have aid of his Tenant in Socage to marry his Daughter, when the Daughter is of the age of 7 years, and aid to make his Son and Heir a Knight, when he is of the age of 7 years.

A Woman who is married at the age of 9 years, if her Husband die ſeiſed, ſhall have dower, and not before.

And 14 years is the age of a Woman, who ſhall not be in ward, if ſhe were at ſuch age at the time of the death of her Anceſtor; but if ſhe were within the age of 14 years, and in ward of the Lord, then ſhe ſhall be in ward till the age of 16 years. And 21 years is the age of the Heir Male to be in ward, and after that out of ward.

Alſo that is the age of Male and Female to ſue and to be ſued for Lands, which they have or claim by deſcent, and to make all manner of Contracts and Bargains, and not before: but if ſuch an Infant within the age of 21 years give his Goods, and the Donee take them, the Infant may

nay have an Action Treſpaſs: ut otherwiſe it is if he deliver hem himſelf. See Coke lib. 3. ol. 13. a. l. 6. f. 3.

Agent and Patient.

AGent and Patient is, when a Man is the doer of a thing nd the party to whom it is one; as where a Woman endows her ſelf of the faireſt poſeſſion of her husband. So if a Man hath 10 pounds iſſuing out f certain Land, and he diſſeiſes he Tenant of the Land, in an Aſſiſe brought by the Diſſeiſee, he Diſſeiſor ſhall recoup the Rent in the damages; ſo that where the mean profits of the Land in ſuch caſe were to the alue of 13 l. the Diſſeiſee ſhall ecover but three pounds. Alſo f a Man be indebted to another, nd after makes the party to whom he is ſo indebted his Exeutor, and dies, the Executor ay retain ſo much of the goods f the dead in his hands as his wn Debt amounts to; and by his Retainer he is the Agent nd the Patient, that is, the par- to whom the Debt is due, nd the party that pays the me.

But a Man ſhall not be judge his own caſe, as is reſolved, oke lib. 8 fol. 118. in Bonham's aſe, That the Cenſors cannot Judges, Miniſters, and Parties; Judges to give ſentence judgment, Miniſters to make mmons, and Parties to have e half of the forfeiture. And though an Act of Parliaent yields to any one, to old or to have conuſance of all anner of Pleas ariſing be- e him within his Mannor of yet he ſhall hold no Plea to hich he himſelf is party; Quia aver un Action de Treſpaſs: mes auterment il eſt ſil deliver eux. Vide *Coke l.* 3. *fol.* 13. *a l.* 6. *f.* 3.

Agent & Patient.

A *Gent & Patient* eſt, quãt un home eſt le feaſor de un choſe, & le partie a que il eſt fait; come lou fem endow luy meſme de la pluis belle part de poſſeſſion de ſa baron. Iſſint ſi hõe ad dixe livers iſſuant hors d certain teſ, & il diſſeiſe le Tenãt del teſ, ẽ Aſſiſe port p le Diſſeiſee, le Diſſeiſor recoupera le Rent en le Damages; iſſint q̃ ou le meſne profits del teſ en tiel caſe fueront al value d 13 livres, le Diſſeiſee recovera forſque trois livres. Auxy ſi un hõe ſoit endet a un auter, & puis fait le partie a q̃ il eſt iſſint endette ſon Executor, & moruſt, le Executor poit retain tant des biens del mort en ſes mains cõe ſon Dette demeſne amountera; & p ceo deteiner il eſt le *Agent* & le *Patient*, ceſtaſcavoir, le partie a que le Dette eſt due, & le partie que ceo paya.

Mes home ne ſerra judge ẽ ſon cauſe demeſne. com̃ eſt reſolve, *Coke lib.* 8 *fol.* 118. en *Bonham's* Caſe, Que les Cenſors ne poyẽt eſtre Judges, Miniſters, & Parties; Judges a doner ſentence ou judgement, Miniſters a fair ſummons, & Parties de aver le moiety del forfeiture. Et com̃t q̃ Act d Parliam̃t done a aſc̃, a tener ou de aver conuſans de touts manners des Pleas devãt luy ſurdãt deins ſon Mannor de *D.* uncore il tener̃ nul Plea a q̃ il meſme eſt

eſt party; *Quia iniquum eſt aliquem ſuæ rei eſſe judicem.*

iniquum eſt aliquem ſuæ rei eſſe judicem.

Agiſt.

A *Giſt* ſemble de vener del Francois *Giſer* (i. *jacere*) ou del *Giſter* (i. *ſtabulari*) un parol proper as Dæs; & p̄ ceo *Budæus lib. poſter. Philologiæ*, dit q̄ *Giſt idem eſt quod Luſtrum vel Cubile.* Et *Agiſt* en noſe Comon Ley ſignifie d̄ prēder eins & depaſture les avers dun eſtrāger deins les Foreſts le Roy; & p̄ ceo les Officers en le Foreſt q̄ ē tiel manner prēt eins avers, & collect les dēiers p̄ le paſturage de eux, ſont appelle *Agiſtors*, & le paſturage & herbage de avers eſt appel *Agiſtment*; q̄ en un large ſignification extend al touts mañers del Comon del Herbage d̄ aſcun kind d̄ teř, ou bois, ou les deniers que ſont due & receive p̄ ceo cybien hors de Foreſts come deins eux. Vide *Manw.* Foreſt Leys. *cap.* 11. *fo.* 80.

Agiſt.

A Giſt ſeems to come of the French Giſer (i. jacere) or of Giſter, (i. ſtabulari) a word proper to Deer; and therefore Budæus lib. poſter. Philologiæ ſays that Giſt idem eſt quod Luſtrum vel Cubile. And Agiſt in our Common Law ſignifies to take in and feed the Cattle of a ſtranger in the King's foreſts; and therefore thoſe Officers in the Foreſt that thus take in Cattel, and gather the Money for the Feed of them, are called Agiſtors, and the Feed or Herbage of the Cattel is called Agiſtment; which in a large ſignification extends to all manner of Common of Herbage of any kind of ground, or land, or woods, or the Money that is due or received for the ſame, as well out of Foreſts as within them. See Manwood's Foreſt Laws. c. 11. fo. 90.

Agreement.

A *Greement* eſt en ceſt manner define ou expounde en *Plowden's* Commentaries: *Aggreamentum* eſt compound de deux parolx, ceſtaſcavoir, de *Aggregatio* & *Mentium*, ceſt adire, Agreement de ments. Iſſint q̄ *Aggreamentum* eſt *Aggregatio mentium in re aliquâ facta vel facienda*; & p̄ le contraction de les deux parolx, *Aggregatio* & *Mentium*, & p̄ le corrupt & brief parlance d̄ eux. ils ſont fait un parol, ceſtaſc, *Aggreament*, le quel neſt aut' choſe que un union, copulation, & conjunction d̄ deux ou pluſors mēts in aſc̄ choſe fait ou deſt fait. (Veies

Agreement.

A Greement is thus defined or expounded in Plowden's Commentaries: Aggreamentum is expounded of two words, namely, Aggregatio and Mentium, that is, Agreement of Minds. So that agreement is a conſent of Minds in ſome things done or to be done; and by drawing together the two words, Aggregatio and Mentium and by the haſty and ſhort pronouncing of them, they are made one word, to wit, Aggreamentum, which is no other than a joyning, coupling, and knitting together of two or more Minds in any thing done or to be done (See after in Teſtment.) An

is agreement is in three anners.

The first is an agreement executed already at the beginning.

The second is an agreement ter an act done by another, and an agreement executed also.

The third is an agreement ecutory, or to be done in time t to come.

The first, which is an agreement executed already at the beinning, is such whereof mention is made in the Stat. of 25 E. c. 3. of Clothes, in the 4th Stat. hich saith, That the Goods nd things bought by forstallrs, being thereof attainted, all be forfeit to the King, if the uyer have made gree with the ller. In which case the word gree) which is otherwise called greement, shall be extended to greement executed, that is, ayment for the things.

The second manner of agreement is, where one doth a thing act, and another agrees or assents thereunto afterwards: as one makes a Disseisin to my se, and afterwards I agree to , now I shall be a Disseisor om the beginning. And such n agreement is an agreement fter an act done.

The third agreement is, when oth parties at one time are agreed that such a thing shall be one in time to come: and this greement is executory, in as uch as the thing shall be done fter, and yet there their minds greed at one time. But because e performance shall be afterard, and the thing upon which e agreement was made remains to be done, that agreement shall be called Executory. ndthat the Stat. of 26 H 8 c. 3. oth prove, which saith, That

apres en *Testament*.) Et ceſt agreement eſt en 3 manners.

Le prim eſt un agreement execut' en fait al comencem̃t.

Le ſecend eſt un agreem̃t puis un act fait p auter, & eſt un agreem̃t executed auxy.

Le tierce eſt un agreem̃t executory, ou deſtre fait en temps uncore aven.

Le prim q̃ eſt un agreem̃t executed en fait al comencement, eſt tiel de que mentiõ eſt fait en le Stat. d 25 *E.* 3. *cap.* 3. d Pannis, en le quart Stat', q̃ dit que les biens & choſes achates p Foreſtallers, que de ceo ſerront attaints, ſoient forfeits al Roy, ſi le achator ent uſt fait gree al vendor. En quel caſe ceſt parol (*gree*) que eſt auterm̃t appel agreem̃t, ſerra entende agreem̃t execute, *viz.* paym̃t pur les choſes.

Le ſecond mañer d agreem̃t eſt, lou un fait un choſe ou act, & un auter agree ou aſſent a ceo apres: cõe ſi un fait Diſſeiſin a mon uſe, & apres jeo agree a ceo, ore jeo ſerra Diſſeiſor ab initio. Et tiel agreement eſt un agreem̃t puis un act fait.

Le tierce agreem̃t eſt, q̃n ãbidieux parties a un temps, ſont accords que tiel choſe ſerra fait en temps a ven: & ceo agreemẽt eſt executorie, entant q̃ le choſe ſerra fait apres, & uncore la lour ments accord a un temps. Mes entant que le performãce ſerra apres, & iſſint le choſe ſur q̃ l'agreement fuit fait remaine a faire, ceo agreem̃t ſerra dit executorie. Et ceo le Stat. 26 *H.* 8. *cap.* 3. prove, ou il dit, Que cheſcun Vicar, Parſon,

Parſon. & autiels, &c. devant lour actual poſſeſſiō ou medling ove les profits de lour Eēefice, ſatisfiera, cōtentera, &c. ou agreera a payer al uſe le Roy les prim̄ fruits, &c. Et ſi aſcun tiel Parſon, Vicar, &c. ent' en actual poſſeſſion, &c. Ceo agreement eſt deſtre entend executorie, come le cōmō uſage prove: car eſt uſe q̄ il, ove un ou deux ove luy, fait deux vel trois Obligations p̄ ceo deſtre pay en certain jours aprſ. Et ceſt agreement executory eſt divide ē deux points: Un eſt agreement executory q̄ eſt certain al cōmencement, come eſt dit darrein devant del Primier-fruits.

Lauter eſt, lou le certainty ne appiert al primes, & les parties ſont accords que le choſe ſerra perform ou pay ſur le certainty conus: come ſi un vend al auter tout ſon Wheat ē tiel taſſe ē ſon Barn nient threſh, & il eſt agree parent' eux, que il payera p̄ cheſcun buſhel 3 s. quāt il eſt threſh clean & meaſure.

every Vicar, Parſon, and ſuch like, &c. before their actual poſſeſſion or medling with the profits of their Benefices, ſhall ſatisfie, content, &c. or agree to pay the King the First-fruits, &c. & if any ſuch Parſon or Vicar, &c. enter in actual poſſeſſion, &c. this agreement is to be underſtood executory, as common uſage proves: for it is uſed, that he, with one or two with him, do make two or three Obligations, for it is to be paid at certain days after. And this agreement executory is divided into two points: One is an agreement executory which is certain at the beginning, as is ſaid laſt before of the Firſt-fruits.

The other is, when the certainty doth not appear at the firſt, and the parties are agreed that the thing ſhall be performed or payed upon the certainty known: as if one ſell to another all his Wheat in ſuch a bay of his Barn unthreſhed, and it is agreed between them, that he ſhall pay for every buſhel 3 s. when it is threſhed clean and meaſured.

Aide.

AID *pryer* eſt un Juſtification del Title per le aſſiſtance d'auters en joynant ove luy, come quant Tenant a term de vie, Tenant en dower, Tenant p̄ le curteſie, ou Tenāt ē taile apres poſſibility d iſſue extinct, eſt emplede; dōques p̄ ceo q̄ ils nōt eſtate forſque p̄ teē d vie, ils prieront Aide d ceſtuy en le Reverſion, & Proceſs ſerra fait per Brief vers luy d vener & pleder ove le Tenāt in defence del Terre, ſi voile:

Aid.

Aid pryer is the Juſtification of a Title by the aſſiſtance of others in joying with him, as when a Tenant for term of Life, Tenant in Dower, Tenant by Courteſie, or Tenant in Tail after poſſibility of Iſſue extinct, is impleaded; then, for that they have no Eſtate but for term of Life, they ſhall pray in aid of them in the Reverſion, and proceſs ſhall be made by Writ againſt him, to come and plead with the tenant in the defence of the land, if he will: But

behoves that they agree in the Plea; for if they vary, the Plea of the Tenant shall be taken, and then the aid-prayer is void: but if he come not at the 2d Writ, then the Tenant shall answer sole.

Also Tenant for Years, Tenant at Will, Tenant by Elegit, and Tenant by Statute-Merchant, shall have aid of him in the Reversion; and the Servant and Bailiff of their Master, when they have done any thing lawfully in the right of their Master, shall have aid.

This word is sometimes applied to Subsidies, as in 14 E. 3. stat. 2 cap. 1. Other times to a prestation due from the Tenants to their Lords; as for relief due to the Lord paramount for the making of his Son a knight, or for marrying of his daughter. Glan. lib. 9. c. 8.

This aid the King or other Lord by the ancient Law of England, may lay upon their Tenants, to make his son Knight at the age of 15 years, and to marry his daughter at the age of 7 years, Reg orig. fol. 87. a. and that at what rate they please. But the Stat of West. 1. made an 3. Ed. 1. ordained a restraint of any great or large demand made by common Persons, being Lords, in this case, and hath tied them to a certain rate: and the Stat. of 25 Ed 3. Stat. 5. c. 11. provides that the rate which is appointed by the former Stat. shall be held in the King as well as in other Lords.

Aid of the King.

AID of the King is in like case as it is said before of a common person, & also in many other cases where the King may have aid, although the Tenant be

Mes ils coviēt que ils accord ē Plea, car sils varie, le Plea le Tenāt serra prise, & donques l'aid-prier est en vain; mes sil ne viēt al secōd Brief, le Tenant respondera sole.

Auxy Tenāt p̄ ans, Tenāt a volunt, Tenant p̄ *Elegit*, & Tenant per Statute-Merchant averont aid de cestuy ē le Reversion; & le Servāt & Baily d lour Master, quant ils ōt fait asc̄ chose loyalm̄t en le droit lour Master, averont aid.

Cest parol est asc̄ foits apply al Subsidies, cōe en 14 *E.* 3. *Stat.* 2. *cap.* 1. Auter foits a un Prestation due de les Tenāts a lour Seigniors; come p̄ relief due al Seignior paramount, ou p̄ le feisance d son fits Chival', ou p̄ l'espousing de sa file. *Glan. l.* 9. *c.* 8.

Cest Aid le Roy, ou auter Seign̄ p̄ l' ancient Ley d *Angliterre*, puit giser sur lour Tenants, p̄ fair son fits Chival' al age d 15 ans & espouser sa file al age d 7 ans, *Reg. orig. f.* 87. *a.* & a quel rate ils pleiront. Mes le Stat d *West.* 1. fait *An* 3 *E.* 1. ordein un restraint p̄ ascun grād ou large demand fait p̄ common persons, esteant Seigniors, en cest case, & ad lie eux a un certain rate. Et le Statute d 25 *E.* 3 *Stat.* 5. *c.* 11 provide, que le rate que est mise p̄ le prim̄ Stat. serra tenus en le Roy cybien come ē auters Seigniors.

Aide de Roy.

Aide de Roy est en semble case come est dit devat d common p̄son, & auxy ē plusors aut' cases lou le Roy puit aver p̄de, com̄t q̄ le Tenāt soit

Tenant ē fee-ſimple, il avera aide ; come ſi un Rent ſoit demand vers Tenant le Roy qui tient en chief, il avera aide, & iſſint navera de aut' perſon.

Auxy lou un City ou Borough ad un Fee-farme del Roy, & asc̄ choſe eſt demād vers eux que appertain al Fee-farme, ils averont aide pur ceo del Roy.

Auxy home avera aide de Roy en lieu de Voucher. Auxy le Bayliff, Collector & purveyor del Roy averont aide del Roy, auxibien cōe les Officers de auters perſons.

Tenant in fee-ſimple, he ſhall have aid ; as if a Rent be demanded againſt the Kings Tenant who holds in chief, he ſhall have aid, and ſo he ſhall not of a common perſon.

And where a City or Borough hath a Fee-farm of the King, and any thing is demanded againſt them which belongs to the Fee-farm they ſhall have aid for it of the King.

Alſo a man ſhall have aid of the King in the ſtead of Voucher. And the King's Bailiff, the Collector and the Purveyor ſhall have aid of the King, as well as the Officers of other perſons.

Aile.

AILE eſt un Brief que giſt lou Terre deſcende de layel a ſon Nephews, *viz.* fitz ou file del fitz del ayel, le pier eſteant mort devant entry per luy, & un abate, le Heir avera vers le Abater ceſt Brief.

Aile.

AILE is a Writ which lies where Land deſcends from the grandfather to his nephews, ſc. the ſon or daughter of the ſon of the grandfather, the father being dead before the entry by him, and one abates, the Heir ſhall have againſt the Abator this Writ.

Aler ſans jour.

ALer *ſans jour* eſt, (verbatim) ire ſine die, ceſtaſcavoir, deē diſmiſſe hors del court, p̄ ceo q̄ neſt asc̄ aut' jour del Appearance aſſigne.

Aler ſans jour.

ALer ſans jour is, (word for word) to go without day, that is, to be diſmiſt the Court becauſe there is no day of further Appearance aſſigned.

Ale-Taſter.

ALe-*Taſter* eſt un Officer appoint & jure deins cheſcun Leet de veier q̄ue le due Aſſiſe ſoit obſerve de tout le Pane, Ale & Cervoiſe vendus deins le Juriſdiction de Leet.

Ale-Taſter.

ALe-Taſter is an Officer appointed and ſworn in every Leet, to look that the due Aſſize be kept of all the Bread, Ale and Beer ſold within the Juriſdiction of the Leet.

Alien.

ALien eſt un Subject nee hors del ligeance de no-

Alien.

ALien is a Subject born out of the liegeance of our King

and he cannot have any real or perſonal Action concerning land, but in every ſuch Action the Tenant or Defendant may plead that he was born in ſuch a place, which is not within the Kings Ligeance, and demand judgment if he ſhall be anſwered.

Every alien friend may by the Common Law have and get within this realm, by gift, trade, or other lawful ways, any treaſure or perſonal goods whatſoever, as well as any Engliſhman, and may maintain any Action for the ſame. But Land within this realm or houſes (if not for their dwelling only) alien friends cannot have nor get, nor maintain any Action real or perſonal for any Land or houſe, unleſs the Houſe be for their neceſſary dwelling. An alien enemy cannot maintain any Action, nor get any thing within this Realm. And the reaſons why Aliens born are not capable of inheritance within England, are;

1. The Secrets of the Realm may by this be diſcovered.

2. The Revenues of the Realm ſhall be taken and inioyed by Strangers born.

3. This will tend to the deſtruction of the Realm. First, in the time of War, for then Strangers may fortifie themſelves in the heart of the Realm, and ſet in combuſtion the Common-wealth. Secondly, in the time of Peace, for by ſuch means many Aliens born may get a great part of the Inheritance and Free-hold of the Realm, by which there would enſue a want of Juſtice, the ſupporter of the Common wealth, for this that Aliens cannot be returned of Juries, nor ſworn for the trial

ſtre Roy. Et il ne poit aver aſcun real ou perſonal Actiō concernant Terr, mes en cheſcun tiel Actiō le Ten' ou Defēdat puit plede que il fuit nee en tiel pais q̄ neſt deins le ligeance del Roy, & demād Judgmēt, ſil ſerra reſpōdu.

Cheſcun alien amie puit p̄ le Comon Ley aver & acquirer deins ceſt Realm, p̄ dōe, cheviſas, ou aut' loyal voyes, asc̄ treaſure ou biēs perſonal quecunque cybiē cōe asc̄ hōe Englois, & puit maintain asc̄ Actiō p̄ ycel. Mes terſ deins ceſt Realm ou Meaſons. ſi nō ſoleūt p̄ lour habitatiō, aliē amies ne poiēt aver no acquirer, ne maintain asc̄ Action real ou p̄ſonal p̄ aſcun Terre ou Meaſon, ſinō q̄ le Meaſon ſoit p̄ lour neceſſary habitation. Un alien enemy ne poit maintain asc̄ Act', ou acquir asc̄ choſe deins ceſt Realm. Et les reaſons p̄ q̄ Aliens nee ne ſont capable d̄ inheritāce deins *Angleterre*, ſont;

Primerm̄t, Les ſecrets del Royalm poiēt p̄ ceo eē cōus.

Secundment, Les Revenues del Royalm ſerront priſe & enjoy p̄ Eſtrangers nee.

Tiercem̄t, Ceo voile tend al deſtruct' del Royalm. Primerm̄t ē le temps de guerr, car donq̄s eſtrāgers poiēt fortifie eux meſmes en le ceur del Royalm, & combuſter le Com̄oweale. Secundm̄t, ē le tēps d peace, car p̄ tiels meās pluſors Aliē nee poiēt acquirer un grād part del inheritance & franktenement del Royalm, p̄ q̄ la voile enſue un failer d Juſtice, le ſupporter del Com̄on-weale, p̄ ceo q̄ Aliens ne poient eſtre returne d Juries, ne jure p̄ le

trial de issues perent' le Roy & le Subject, ou perētēr Subject & Subject. Vide *Cok. lib. 7. Calvin's* Case.

of Issues between the King and Subject, or between Subject and Subject. Vide Coke lib. 7. Calvin's Case.

Alienation.

ALienation idem est quod alienum facere, ou de alter ou mitt' le possession d Terres ou auter chose d lun home al auter. Et en ascun cases home ad poier en luy mesme issint a faire, sans lassent ou licence dascun auter, & en ascun nemy. Come si Tenant en capite alien son estate sans cōge le Roy donq̄ p le Stat de 1 *Ed. 3. cap.* 12. un reasonable Fine serra prise, ou al Common Ley devant le dit Stat. les Terres & tenemēts tenus en chief del Roy, & aliē sās cōgee, ōt este tenus forfeit. Et si Tenant le Roy q̄ teigne ē capite intend d aliener al *C.* al use d *D.* & sur ceo si il purchase licence de aliener al *C.* & accordant il alien a *C.* al use d *D.* quel use nest mentiō ē le License: en cest case il payer forsq̄ un Fin̄, car est forsque un Aliēatiō, *Coke lib. 6 fol.* 28. Mes si home voile alien terr̄ en fee simple a un Meason d Religion, ou a un Corps incorporate, covient a luy daver conge le Roy de faire cest Grant ou Alienation, & le chief Seignior d queux tiels Terr̄ sont tenus, &c. auterm̄t le terr̄ issint alien en *Mortmaine* serra forfeit p le Stat. de 15 *R.* 2. *cap.* 5.

Alienation.

ALienation is as much to say as to make a thing another mans, or to alter or put the possession of Lands or other things from one man to another. And in some cases a man hath power in himself so to do, without the assent or license of any other and in some not. As if Tenant in chief alien his Estate without the King's license, then by the Stat. of 1 Ed. 3 c. 12. a reasonable Fine shall be taken, where at the Common Law before the said Stat. the Lands and Tenements held in chief of the King, and aliened without license, have been held forfeited. And if the King's Tenant that holds in chief intended to alien unto C. to the use of D and hereupon if he purchase License to alien to C. and accordingly aliens to C. to the use of D which use is not mentioned in the License; in this case he shall pay but one Fine, for it is but one Alienation. Coke lib 6. f 28. But if a man will alien Land in Fee-simple to an House of Religion, or to a body incorporate, it behoves him to have the King's License to make the Grant or Alienation, and the chief Lord of whom such lands are held, &c. otherwise the land so alienated in Mortmain shall be forfeited by the Statute of 15 R. 2. cap 5.

Alimony.

ALimony, *Alimonia*, Maintenance, & en legal sense signifie un allowance p̄ que

Alimony.

ALimony, Alimonia, Maintenance, and in a legal sense signifies an allowance for wife

woman ſues upon ſeparation from her Husband.

un feme covert ſue ſur ſeparation del ſa Baron.

Allay.

ALlay is the Temper or Mixture of Gold and Silver with baſer Metal, for the inreaſing the weight of it ſo much as might countervail the King's charge in the coyning. This word is uſed in the Statute of 9 H. 5. cap. 11. for the payment of Engliſh Gold by the King's weight.

Allay.

A *Llay* eſt le Temper ou Mixture de Or & Argent ove plus baſe Metal p̄ l'augmenter del pois d̄ ceo entat que poit countervail le charge del Roy en le coynage. Ceſt parol eſt uſe en le Statute 9 *H.* 5. *cap* 11. pur le payment del Or Anglois p̄ le pois le Roy.

Allegiance.

ALlegiance is ſuch natural or legal Obedience which eve-y Subject owes to his Prince.

Allegiance.

A *Llegiance* eſt tiel natural ou loyal Obedience que cheſcun Subject doit a ſon Prince.

Almoner.

ALmoner is an Officer of the King's Houſe, whoſe Office is to diſtribute the King's Alms every day; and to that purpoſe he hath the collecting of all Forfeitures of Deodands, and of the goods of Felons de ſe, which the King allows him to diſpoſe in Alms to the Poor. and of his Office, ſee Fleet, lib. 2. cap. 22.

Almoner.

A *Lmoner* eſt un Officer del Hoſtel le Roy, & ſon Office eſt pur diſpencer les Alms le Roy cheſcun jour; & a ceſt purpoſe il ad le collect' des touts Forfeitures des Deodands, & des biens des Felons *de ſe*, que le Roy luy allow p̄ diſpoſer ē Alms as povers. Et de ſon Office, vide *Fleta*, *l.* 2. 22.

Almoin.

ALmoin. See Aumone.

Almoin.

A *Lmoin.* Veies *Aumone.*

Alnager.

ALnager is an Officer of the King's, who by himſelf, or his Deputy looks to the Aſe of all Cloth made of Wool throughout the Land, and to put Seal, for that purpoſe ordained unto them, 35 E. 3. Stat. 4. An. 3 R. 2. c. 2. And he is to be accomptable to the King for every Cloth that is ſo ſealed a Fee or Cuſtom appertaining to it.

Alnageor.

A *Lnageor* eſt un Officer del Roy q̄ per luy meſme ou p̄ ſon deputy veye al Aſſiſe d̄ tout le Pane q̄ eſt fait d̄ Lane p̄ tout le Ter̄, & a mitter Signets, p̄ tiel p̄poſe ordeignes, al eux 35 *E.* 3 *Stat.* 4. *c.* 1. *An.* 3 *R.* 2 *c.* 2. Et il eſt deſtre accōptable al Roy p̄ cheſcun Pane q̄ eſt iſſint ſeale en un Fee ou Cuſtōe a ceo apperteignāt.

Altarage.

ALtarage en Latin, *Altaragium*, ſignifie Duties & Offerings al ſainct Altars, mẽtion 2 *Cro. Rep.* 516. que un Vicarage fuit endow ove ceo & petit diſms.

Ambidexter.

AMbidexter eſt celuy que, quant un matter eſt en ſuit ꝑnter homes, priſt argẽt d lun part & del aut', ou pur labour le Suit, ou tiels ſemblables; ou ſil ſoit del Jury, pur dire ſon Verdict.

Amendment.

AMendment eſt, quant Error eſt en le Proceſs, les Juſtices poiẽt c̃ amend apres Judgm̃t. Mes ſi Error ſoit c̃ Judgment done, ils ne poiẽt amẽder ceo, mes le party eſt mis al Brẽ de Error. Et en pluſors Caſes lou le default appiert en le Clerk q̃ eſcria le Record, il ſerra amend: mes tiels choſes que vient ꝑ information del party, come le Ville, Myſterie, & *hujuſmodi*, ne ſerra amend, car il doit informer vray a ſon peril. Vid. 9 *H.* 5. *c.* 4. 4 *H.* 6. *c.* 3. 8 *H.* 6. *c.* 12, 15. 27 *El. c.* 5.

Amercement.

AMercement pluis properm̃t eſt un Penalty aſſeſs per les Peers ou pares del partie am̃cie, pur un offence fait; cõe ꝑ default d Suit d Court, ou pur non amend' d aſcun choſe q̃ il fuit appoint d redreſſer devant, ou pur tiel ſemblable cauſe: en quel caſe le party que offend ſoy miſt en le mercie del Roy

Altarage.

ALtarage, in Latin, Altaragium, ſignifies Duties and Offerings to holy Altars mentioned 2 Cro. Rep. 516. that a Vicarage was endowed with it and ſmall Tythes.

Ambidexter.

AMbidexter is he that, when a matter is in ſuit between Men, takes Money of the one ſide and of the other, either to labour the Suit, or ſuch like; or if he be of the Jury, to give his Verdict.

Amendment.

AMendment is, when Error is in the Proceſs, the Juſtices may amend it after Judgment. But if there be Error in giving Judgment, they may not amend it, but the party is put to his Writ of Error. And in many caſes, where the default appears in the Clerk that writ the Record, it ſhall be amended: but ſuch things as come by information of the party, as the Town, Myſtery, and ſuch like, ſhall not be amended, for he muſt inform true upon his peril. See 9 H. 5. c. 4. 4 H. 6. c. 3. 8 H. 6. c. 12, 15. 27 El. c. 5.

Amercement.

AMercement moſt properly is a Penalty aſſeſſed by the Peers or equals of the party amerced, for an Offence done; as for want of Suit of Court or for not amending ſomething that he was appointed to redreſs by a certain time before or for ſuch like cauſe; in which caſe the party who offends puts himſelf in the mercy of the

Kin

king or Lord, and thereupon his Penalty is called Amerciament.

And there is a difference between Amerciaments and Fines, Kitch. 214. For Fines are Punishments certain, which grow expresly from some Statute; and Amerciaments are such which are arbitrarily imposed by the Affeerors, which Kitchin seems to confirm fol. 78. in these words, The Amerciament is affeered by Equals.

Also it appears, Coke lib. 8. fol. 39. That a Fine is always imposed and assessed by the Court, but Amerciament, which is called in Latin Misericordia, is assessed by the Country.

Another diversity there is: as if a man be convict before the Sheriff of the County of a Reaption, he shall be only amerced; but if he be convict of this in the Common Bench, he shall be fined. And the reason of this diversity is, That the County Court is not a Court of Record, and therefore cannot impose a Fine, for no Court can impose a Fine but such a Court as is of Record, Cok. lib. 8. fol. 41. a. If the Defendant or Tenant plead a false Deed to him, or deny his own Deed, and this is found against him, or he, leaving his own Verification, acknowledges the Action; he shall be fined for his falsity, because we ought to be sure of our own Acts. But if one deny the Deed of his Ancestor, and this is found against him, yet he shall not be fined, but amerced only, because it was the act of a Stranger. Cok. lib. 8. fol. 60. a. see more there.

ou Seignior, & sur ceo cel Penalty est appel *Amerciament.*

Et la est un difference perenter Amerciaments & Fines, *Kitch.* 214. Car Fines sont punishments certain, que cresceront expresment d ascun Statute; & Amerciaments sont tiels que sont arbitrablemt impose p les Affeerors, quel *Kitch.* semble a confirm *fol.* 78. en ceux parolx, *Amerciament est affeere per Pares.*

Auxy il appiert, *Coke lib.* 8. *f.* 39. que un Fine est touts foits impose & assesse per le Court; mes Amerciament q est appel en Latin *Misericordia*, est assesse p Pays.

Auter diversity la est: coe si home soit convict devat le Vicount en le County d un Recaption, il serra forsque amercie, mes sil soit convict de ceo en le Common Bank, il serra fine. Et le reason d ceste diversity est, Que le County-Court nest pas Court de Record, & p ceo ne poit imposer un Fine, car nul Court poit imposer Fine mes tiel Court q est de Record, *Coke lib.* 8. *fol.* 41 *a.* Si le Defendant ou Tenant plead un faux Fait a luy, ou deny son fait demesn, & ceo est trove vers luy, ou sil *relicta verificatione, cognoscit Actionem*; il serra fine pur fauxism, *Quia certi debemus esse de proprio facto.* Mes si un dey le Fait son Ancestor, & ceo est trove vers luy, uncore il ne serra fine, mes amercie solemt, *Quia de alieno facto. Co. lib.* 8. *fo.* 60. *a.* Vide pluis la.

Amercement royal.

A *Mercement royal* eſt, quant un Vicount, Coroner, ou auter tiel Officer del Roy, eſt amercy per les Juſtices pur ſon miſdemeaning en le Office. *Quære* ſi ne ſerra dit *Fine*.

Amercement royal.

A Mercement royal is, when a Sheriff, Coroner, or other ſuch Officer of the King, is amerced by the Juſtices for his abuſe in the Office. Learn if it ſhould not be called a Fine.

Amoveas manus.

A *Moveas manus.* Veies *Ouſter le mayne.*

Amoveas manus.

A Moveas manus. See Ouſter le mayn.

An, jour, & waſte.

A *N, jour, & waſte*, eſt un Forfeiture quant un home ad fait petit Treaſon ou Felony, & ad Terres queux il tient de aſcun commō perſon, queux ſerrōt ſeiſi pur le Roy, & remaine en ſon maines per la ſpace de un an & un jour prochein apres le Attaind; & donques les Arbres ſerront defoſſe, les Meaſons raſes, & le Paſtures & Prees ayres & plowed; ſi non que il a que Terre devenera per leſchete ou forfeiture ne ceo redeemē del Roy. Un choſe le pluis de greever le Offendors, & terriſie auters d cader en autiel, en demonſtrant comt le Ley deteſt lour offence cy avant, iſſint que il execute Judgment & puniſhment ſur lour mute & mort choſez.

An, jour, & waſt.

A N, jour, & waſt, is a forfeiture when a Man hath committed petit Treaſon or Felony, and hath Lands holden of ſome common Perſon, which ſhall be ſeiſed for the King, and remain in his Hands by the ſpace of one Year and a Day next after the Attainder; and then the Trees ſhall be pulled up, the Houſes razed and pulled down, and the Paſtures and Meadows eyred and plowed up; unleſs he to whom the Lands ſhould come by eſcheat or forfeiture redeem it of the King. A thing the more to grieve the Offendors, and terrifie others to fall into the like, in ſhewing how the Law doth deteſt the Offence ſo far forth, as that it doth execute judgment and puniſhment even upon their dumb and dead things.

Ancient demeſne.

A *Ncient demeſne* ou *demayn* eſt un certain Tenure per que touts Mannors perteignant al Corone en les temps d *William le Conquerer* fueront tenus.

Ancient demeſne.

A Ncient demeſne or demayn is a certain Tenure whereby all Mannors belonging to the Crown in the days of William the Conqueror were held.

Aniente.

ANiente comes from the French Aneantir, that is, annihilare; or Aniente in our Law-language signifies as much as frustrated or made void, and is used by Littleton in his 741 Section.

Annates.

ANnates is a word used in the Statute of 25 H. 8. cap. 20. and seems to be all one with First-fruits: for so Pol. Virgil. de Inventione rerum, lib. 8. cap. 2. says, That Annatarum usus multo antiquior est quam recentiores quidam scriptores suspicantur, & Annatas (more suo) appellant primos fructus unius anni Sacerdotii vacantis, aut dimidiam eorum partem.

Annua pensione.

ANua pensione is a Writ by which the King, having due unto him an annual Pension from any Abbot or Prior or any of his Chaplains which he will name, who is not provided of a competent Living, commands it of the said Abbot or Prior for one that is named in the same Writ, until, &c. and also commands him, for the better certainty of his Chaplain, to give his Letters Patents to him for the same. See Fitz. Nat. Brev. fol. 231. where you may also see the names of all the Abbies and Priories which were bound to this in respect of their Foundation or Creation, and also for the form of the Letters Patents usually granted upon such Writ.

Aniente.

A*Niente* venust del Francois *Aneantir*, (id est) *annihilare*; car *Aniente* en nostre Ley signifie tant come frustrate ou defeat, & est use p *Littleton, Sect.* 741.

Annates.

A*Nnates* est un parol use en le Stat 25 *Hen.* 8. *cap.* 20. & semble dec tout un ove *Primitiæ*: car issint *Pol. Virgil. de Inventione rerum, lib* 8. *cap.* 2. dit, *Quod Annatarum usus multo antiquior est quam recentiores quidam scriptores suspicantur, & Annatas (more suo) appellant primos fructus unius anni Sacerdotii vacantis, aut dimidiam eorum partem.*

Annua pensione.

A*Nnua pensione* est un Brief per que le Roy, aiant due a luy un annual Pension de ascun Abbot ou Prior p ascun de ses Chapleins que il voile nosmer, que nest provide dun competent Benefice, ceo demand del dit Abbot ou prior p un que est nosme en mesme le Brief, jesque &c. & auxy luy command, p le meux assurance d son Chaplein, a doner ses Letters Patents a luy p ycel. Vide *Fitz. Nat. Brev. fol.* 231. ou poyes auxy veyer les nosmes d touts les Abbeys & Priories que fueront lie a ceo e respect d lour foundatiō ou creation, & auxy pur le forme des Letters Patents usualment grant sur tiel Brief.

Annuitie.

ANnuitie eſt un certain Sum de money grant a un auter ẽ Fee-ſimple, Fee-tail, pur term de vie, ou p̃ term de ans, a receiver del Grantor, ou ſes Heirs, iſſint que nul Frankteneñt eſt charge d ceo, d que home navera unques Aſſiſe ou auter Action, forſque Brief de Annuity; & neſt aſcun Aſſets al Heire le Grantee, a que il deſcendera.

La ſont pluſors differẽces perenter Annuities & Rents: Car cheſcun Rent eſt iſſuant hors d Teñ, mes un Annuity neſt, mes chargera le perſon, ceſtaſcavoir, le Grantor ou ſes Heirs, que ont Aſſets per deſcent, ſinon que ſpecial proviſo ſoit al contrary: come *Lit. Sect.* 220.

Auxy pur un Annuity nul Action giſt, forſque ſolemt un Brief de Annuity vers le Grantor, ſes Heirs ou Succeſſors: & ceſt Brief de Annuity ne unques giſt vers le pernor des profits, mes ſolemt vers le Grantor ou ſes Heirs. Lou p̃ un Rent meſme les Actions giſont envers le Tenant del Teñ, & aſcun foits vers celuy q eſt pernor del Rent, ceſtaſcavoir, vers luy que priſt le Rẽt torciouſm̃t. Auxy un Annuity neſt deſtr̃ priſe p̃ Aſſets, p̃ ceo q̃ neſt aſc̃ Frankteneñt en Ley. Et ne ſerra mis in Executiõ ſur un Stat. Merchãt, Stat. Staple ou *Elegit*, ſicome un Rent poit. *Doct & Stud. cap.* 30. Vide *Dyer fol.* 345. *pla.* 2. Auxy un Annuity ne poit

Annuity.

ANnuity is a certain Sum of Money granted to another in Fee-ſimple, Fee-tail, for term of Life, or for term of Years, to receive of the Grantor, or his Heirs, ſo that no Free-hold is charged therewith, whereof a Man ſhall never have Aſſiſe nor other Action, but a Writ of Annuity; and it is no Aſſets to the Heir of the Grantee, to whom it ſhall deſcend.

There are many differences between Annuities and Rents: For every Rent is iſſuing out of Land, but an Annuity is not, but charges the Perſon, that is, the Grantor or his Heirs, which have Aſſets by deſcent, if ſome ſpecial proviſo be not to the contrary: as Litt. Sect. 220.

Alſo for an Annuity no Action lies, but only a Writ of Annuity againſt the Grantor, his Heirs or Succeſſors: and this Writ of Annuity never lies againſt the taker of the Profits, but only againſt the Grantor, or his Heirs. Whereas for a Rent the ſame Actions lie againſt the Tenant of the Land, and ſometimes againſt him that is taker of the Rent, that is, againſt him that takes the Rent wrongfully. Alſo an Annuity is not to be taken for Aſſets, becauſe it is not any Free-hold in Law. And it ſhall not be put in Execution upon a Statute-Merchant, or Statute-Staple, or Elegit, as a Rent may. Doct & Stud cap. 30. See Dyer fol. 345. pla. 2. Alſo an Annuity cannot be ſevered,

Co.

Co. l. 8. fol. 52. b. according to the Verſe there:

Let no Judge himſelf endeavour
Annuities or Debts to ſever.

Anoyſance.

ANoyſance is a word uſed in the Statute of 22 Hen. 8. cap. 5. and ſignifies no more than Nuſance, and therefore ſee Title Nuſance.

Apoſtata capiendo.

APoſtata capiendo is a Writ directed to the Sheriff, for the taking of the body of one who, having entred into, and profeſſed ſome order of Religion, leaves his ſaid order, and departs from his houſe, and wanders in the Country: upon a Certificate of this matter made by the Sovereign of the Houſe in the Chancery, and the praying of the ſaid Writ, he ſhall have it directed to the Sheriff for the apprehending of him, and redelivery of him to the ſaid Sovereign of the Houſe, or his lawful Attorney. See the form of it in Fitz. Nat. Brev. 233. c.

Appeal.

APpeal is where one hath done a Murther, Robbery, or Mathem, then the wife of him that is ſlain ſhall have an Action of Appeal againſt the Murtherer; but if he have no Wife, then his next Heir male ſhall have the Appeal at any time within a year and a day after the deed.

Alſo he that is ſo robbed or maimed ſhall have his Appeal: and if the Defendant be acquitted, he ſhall recover damages againſt the Appealer and the Abettors, and they ſhall have the impriſonment of a year, and ſhall

eſtre ſever, *Co li. 8. f. 52. b.* accordant al Merre la:

Annale aut debitum
Judex nec ſeparet ipſe.

Anoyſance.

A *Noyſance* eſt un parol uſe en le Statute 22 *Hen* 8. *cap.* 5. & ſignifie nient plus que *Nuſance*, & pur ceo vide Tit. *Nuſance.*

Apoſtata capiendo.

A *Poſtata capiendo* eſt un Brē direct al Viſcount, p̄ le prendre del corps dun q̄ aiant ent' & profeſſe asc̄ Order de Religion, relinquy le dit Order, & wave ſon Meaſon, & eſt Vagrant ē le pais: & ſur un Certificate d ceo matter p̄ le Soveraign del dit Meaſon d Religion fait en le Chancery, & le prier del dit Brē, il avera ceo direct al Viſcount p̄ le apprehēder d luy, & redeliver al dit Soveraign del Meaſe ou ſon loyal Attorney. Vid. le form del Brē en *Fitz. Nat. Brev.* 233. *c.*

Appeal.

A *Ppeal* eſt lou un ad fait Murder, Robbery, ou Mayhē, donq̄s le feme ceſtuy q̄ eſt tue avera un Action de *Appeal* vers le Murderer; mes ſil nad feme adonques ſon prochein Heir male avera le Appeal a aſcun temps deins lan & jour apres le fact.

Auxy ceſtuy que eſt iſſint rob' ou maimed avera ſō Appeal: & ſi le Defendant ſoit acquite, il recovera damages vers le Appellour & l'Abettors, & ils averōt impriſonm̄t dun an, & ſerra fin al Roy.

Appeal

Appeal de Maihem nest en manner forsque Action de Tresp̃as, car il ne recovera forsque damages.

Appeals sont comence deux voyes, ou p̃ Brief, ou p̃ Bill. Per *Brief*, quant un Brief est purchase hors del Chancery p̃ un hõe vers aut', luy comandant q̃ il appealera un tierce home dasc̃ Felony ou auter offence per luy commit, & a trover pledges que il ceo ferra ove effect; & cest Brief est destre deliver al Vicount destre Record.

Appeal per Bill est, quant un home de luy mesme done son accusation dauter home en escript al Vicount ou Coroner, & prist sur luy le burden de appealing cestuy que est nosme en le dit escript. *Appellant* est le Plaintiff en le Appeal.

Si un Peer soit indict pur Murder il serra try per ses Peers: Mes si un Appeal soit port vers luy al suit del Party il ne serra try per ses Peers mes per un Jury d̃ 12 Homes. Veies *Mag. Chart. fol.* 49. *Stat. Glouc.* 3 17. 3 *Hen.* 7. *cap.* 1.

En Appeal al Suit del Party le Pardon del Roy ne dischargera le Prisoner cõe sur Indictment al Suit del Roy. *West.* 2. *cap.* 24.

make fine to the King. In Appeal of Maihem is in manner but a Trespais, for he shall only recover damages.

Appeals are commenced two ways, either by writ or by bill. By Writ, when a Writ is purchased out of the Chancery by one man against another, commanding him that he shall appeal a third man of some Felony or other Offence by him committed, and to find pledges that he shall do this with effect; and this Writ is to be delivered to the Sheriff to be recorded.

Appeal by Bill is, when a man of himself gives his accusation of another man in writing to the Sheriff or Coroner, and takes upon himself the burthen of appealing him that is named in the said writing. Appellant is the Plaintiff in the Appeal.

If a Peer be indicted for Murder, he shall be tryed by his Peers: But if an Appeal be brought against him at the Suit of the Party, he shall not be tried by his Peers, but by a Jury of 12 Men. See Magna Chart. fol. 49. Stat. Glouc. 317. 3 Hen 7. cap. 1.

In an Appeal at the Suit of the Party, the King's Pardon doth not discharge the Prisoner as upon an Indictment at the the Suit of the King. West. 2. cap. 24.

Appendant & Appurtenant.

Appendant & Appurtenant sont choses que p̃ temps d̃ prescription ont belõg, appertain, & sõt joyn al un aut' principal chose, ove que ils passont & va com̃ accessar̃ al m̃ principal chose, p̃ virtue d̃

Appendant & Appurtenant.

Appendant & Appurtenant are things that by time of prescription have belonged, appertained, and are joined to another principal thing, by which they pass and go as accessary to the same special thing, by virtue of

these

theſe wozds, Pertinentiis, as Lands, Advowſons, Commons, Piſcaries, Ways, Courts, and divers ſuch like to a Mannoz, Houſe, Office, oz ſuch others.

Apportionment.

APportionment is a dividing into parts a Rent which is dividable, and not entire oz whole; and fozasmuch as the thing out of which it was to be paid is ſeparated and divided, the Rent alſo ſhall be divided, having reſpect to the parts. As if a Man have a Rent-Service iſſuing out of Land, and he purchaſes parcel of the Land, the Rent ſhall be appoztioned accozding to the value of the Land.

So if a Man hold his Land of another by Homage, Fealty, Eſcuage, and certain Rent, if the Lozd of whom the Land is holden purchaſe parcel of the Land, the Rent ſhall be appoztioned.

And if a Man let Lands foz years, reſerving Rent, and after a ſtranger recover part of the Land, then the Rent ſhall be appoztioned, that is, divided, and the Leſſee ſhall pay, having reſpect to that which is recovered, & to that which yet remains in his hands, accozding to the value.

But a Rent-charge cannot be appoztioned, noz things that are entire: As if one hold Land by Service to pay to his Lozd yearly at ſuch a Feaſt an Hozſe, an Hawk, a Roſe, a Cherry, oz ſuch like; there if the Lozd purchaſe parcel of the Land, this Service is gon abſolutely, becauſe an Hozſe, a Roſe, a Cherry, and ſuch other, cannot be divided oz appoztioned, without damage to the whole.

ceux parols, *Pertinentiis*, cõe Terres, Advowſons, Comons, Piſcaries, Chimins, Courts, & divers tiels ſemblables, al un Mañ, Meaſon, Office, ou tiels auters.

Apportionment.

A*Pportionment* eſt un dividing en parts un Rent le quel eſt dividable, & nient entire ou whole; & entant q̃ le choſe hors de quel il fuit deſtre pay eſt ſeparate & divide, le Rẽt auxy ſer divide, aiat reſpect a les parts. Sicõe un hõe ad un Rent-Service iſſuant hors de Terres, & il purchaſe parcel de le Terre, le Rent ſerra apportion accordant al value del Terre.

Iſſint ſi hõe tiẽt ſon Terre dun aut' p Homage, Fealty, Eſcuage, & certain Rent, ſi le Seignr d q̃ le Terre eſt tenus purchaſe parcel del Terre, le Rent ſerra apportion.

Item ſi home leſſa terres p̃ ans, reſervant Rent, & apres un eſtrange recover part de le teñ donques le Rent ſerra apportion ceſt adire, divide, & le Leſſee paiera, aiant reſpect a ceo q̃ eſt recover, & a ceo que ore remain en ſes maines accordant al value.

Mes un Rẽt-charge ne poit cẽ apportiõ ne choſes q̃ ſont entire: Sicõe un tient Teñs p Service d payer a ſon Sñr añuelmt a tiel Feaſt un Chival, Eſperver, un Roſe, un Cherry, ou tiels ſemblables; la ſi le Sñr purchaſe parcel d la teñ, ceſt Service eſt tout ale, p̃ ceo q̃ un Chival, Eſperver, Roſe, ou un Cherry, & tielx auters, ne poyẽt eſtre divide, ou apportiõ, ſans damage al ẽtierty.

En asc̄ cases Rent-charge ſerra apportion: Come ſi home ad Rent-charge iſſuāt hors del teſ̄,& ſon pere purchaſe parcel de les Terres charges en fee, & moruſt, & cel parcel diſcend a ſon fits que ad le Rent-charge; ore cel charge ſerra apportiō ſolonque le value d̄ la terre, p̄ ceo que tiel portion de la teſ̄ purchaſe p̄ le pere ne viēt al fits p̄ ſon fait demeſne, mes per diſcent, & p̄ courſe de Ley.

Common appendant eſt d̄ common droit & ſeverable; & coment que le Commoner en tiel caſe purchaſe parcel del terre en que le Common eſt appendant, unc̄ le Common ſerra apportiō: mes en tiel caſe Common appurtenant & nemy appendant per purchaſe eſt extinct. *Co. lib. 8. f. 79.*

Appropriations.

A*Ppropriations* fueſ̄, quant ceux Meaſons de Religion,& ceux religious Perſons, come Abbots, Priors, & tiels ſemblables,avoiēt le Advowſon d̄ aſcun Parſonage al̄ eux & a lour Succeſſors, & obtain licence de le Pape, Ordinary, & Roy, q̄ ils meſmes & lour Succeſſors de ceo en avant doient eſtre Parſons la, & il ſerra en avant un Vicarage, & q̄ le Vicar ſervera le Cure. Et iſſint al comencem̄t Appropriations fueront faits ſolement a ceux perſons Spirituals que puiſſoient miniſter les Sacraments, & dire divine Service, come Abbes, Priors, Deans, & tiels ſemblables. Apres per petit & petit ils fueront enlarge &

In ſome caſes Rent-charge ſhall be apportioned: as if a man have a Rent-charge iſſuing out of Land, and his Father purchaſes parcel of the Lands charged in fee,and dies,and this parcel deſcends to his ſon who hath the Rent-charge; there this charge ſhall be apportioned according to the value of the land,becauſe ſuch portion of the Land purchaſed by the Father, comes not to the ſon by his own act, but by deſcent and courſe of Law.

Common appendant is of common right and ſeverable; and although the Commoner in ſuch caſe purchaſe parcel of the Land wherein the Common is appendant, yet the Common ſhall be apportioned: but in this caſe Common appurtenant and not appendant by ſuch purchaſe is extinct. Coke lib. 8. fol. 79.

Appropriations.

APpropriations were, when thoſe Houſes of Religion, and thoſe religious Perſons, as Abbots, Priors, and ſuch like had the Advowſon of any Parſonage to them and their Succeſſors, and obtained licence of the Pope, Ordinary, and King, that they themſelves and their Succeſſors from thenceforth ſhould be Parſons there, and that it ſhould be from thenceforth a Vicarage, and the Vicar ſhould ſerve the Cure. And ſo at the beginning Appropriations were made only to thoſe Perſons Spiritual that could adminiſter the Sacraments and ſay divine Service, as Abbots, Priors, Deans, and ſuch like. After by little and little they were enlarged and made

made to others, as namely to a Dean and Chapter, which is a Body corporate, consisting of many, which Body together could not say divine Service; and (which was more), to Nuns that were Prioresses of some Nunnery, which was a wicked thing, in regard that they could neither administer Sacraments, nor preach, nor say divine Service to the Parishioners.

And all this was upon pretence of Hospitality and maintenance thereof. And to supply these defects a Vicar was devised, who should be Deputy to the Priors, or to the Dean and Chapter, and also at the last to the said Abbots, and others, to say divine Service, and should have for his labour but a little portion, and they to whom the Appropriations were made should retain the greater Revenues; and they did nothing for it, by means whereof Hospitality decayed in the place where it ought to have been chiefly maintained, namely, in the Parish where the Benefice was, and where the Profits grew: and so it continues to this day, if not worse, since not only Friers and Nuns, but Lay-men and secular Women are possessed of them, to the great hinderance of Learning, impoverishment of the Ministry, and infamy of the Gospel and Professors thereof.

The Vicar shall have a certain portion of the Benefice, and the Abbot and the Covent shall be Parsons, and shall have the other profits. This is called Appropriation, and then the Abbot and Covent shall be Parsons imparsonees: but such Appropriation may not be made to be-

fait al auters, come nosment al Dean & Chapter, quel est Corps corporat, consisting de plusors, quel Corps ensemble ne puissont dire divine Service; &, que pluis fuit, al Nuns que fueront Prioresses de ascũ Nunery quel fuit chose horrible, entant que ils ne puissoiẽt minister Sacrams, ne preach, ne dire divine Service al Parochians.

Et tout ceo fuit sur pretence de Hospitality & maintenance de ycel. Et de supplier ces defects, un Vicar fuit devise, quel serroit Deputy al Priors, ou Dean & Chapter, & auxy al darrein al dit Abbes, & auters a dire divine Service, & il averoit pur son labour forsque petit portion, & ils a quel le Appropriations fueront fait reteigneront le grand Revenues; & ils fesoyent riens p̃ ceo, p̃ means de quel Hospitality decay en le lieu ou il doit estre chiefment gard, nosmement ẽ le Parish ou le Benefice fuit, & ou les profits cressoyent: & issint il continue tanque a cest jour, si non pejus, que non seulem̃t les Freres & les Nuns, mais les Laiques tant homes q̃ femes en ont la possession al grãd hinderance del Eruditiõ, al impoverishment de le Ministery, & le infamy de la Gospel & les Professors de ycel.

Le Vicar avera un certain portion del Benefice, & le Abbe & le Covent serrõt Parsons, & averont les auters profits. Cest appelle un *Appropriation*, & donques le Abbe, & le Covent serront Parsons imparsonees: mes tiel Appropriatiõ ne poit eẽ fait

fait a commencer ẽ le vie le Parſon, ſans ſont aſſent.

Et apres l'Eſgliſe fuit appropriate, donques ſuit ceo un incident inſeparable al Meaſon de Religion a q̃ ceo fuit iſſint appropriate Et p̃ ceo ou les Terres des Templars en *Angleterre* fueront done p̃ les gẽeral parols dun Act d Parliament d 17 *E.* 2. al Hoſpitallers, fuit adjudge, Que les Hoſpitallers per le dit Act naveront l' Appropriation, car ceo fuit inſeparablement annex al Corporation des Templars: quel choſe conſiſtent en inſeparable privity p̃ general parols dun Act de Parliament ne ſerra transferre al auters. *Coke lib. 7. fol.* 13. *a.*

Mes ſi tiel Advowſon del Parſonage ſoit recover p̃ ancient title, donques l'Appropriation eſt adnulle. Et eſt appelle *Appropriation*, p̃ ceo q̃ ils teigne les profits a lour proper uſe.

gin in the life of the Parſon, without his aſſent.

And after the Church was appropriated, then was it an incident inſeparable to the Houſe of Religion to which it was ſo appropriated. And therefore where the Lands of the Templars in England were given by the general words of an Act of Parliament of 17 E. 2. to the Hoſpitallers, it was adjudged, That the Hoſpitallers by the ſaid Act ſhould not have the Appropriation, for it was inſeparably annexed to the Corporation of the Templars: which thing conſiſting in an inſeparable privity, by the general words of an Act of Parliament ſhall not be transferred to others. Coke lib 7. fol 13. a.

But if ſuch Advowſons of the Parſonage be recovered by ancient Title, then the Appropriation is annulled. And it is called Appropriation, for that they hold the Profits to their own proper uſe.

Approvement.

A *Pprovement* eſt, lou un home ad Common en le waſte terre d Seignior, & le Seignior encloſe part del waſte terre p̃ luy memſe, relinquiſhant nient obſtant ſufficient Common, ove egreſſe & regreſſe, pur les Commoners. Ceſt Incloſure eſt appel *Approvement*. Vide *le Reg. Judic. fol.* 8, *&* 9.

App ovement.

A Pprovement is, where a Man hath Common in the Lords waſte ground, and the Lord incloſes part of the waſte for himſelf leaving nevertheleſs ſufficient Common, with egreſs and regreſs, for the Commoners. This incloſing is called Approvement. See Reg. Jud. fol. 8, & 9.

Approver.

A *Pprover* ou *Appellor* eſt ceſtuy que ad fait aſcun Felony, le quel il confeſſe, & a ore appel ou approve, ceſt adire, accuſe auters que fueront Coadjutors ou Ay-

Approver.

A Pprover or Appellor is he who hath committed ſome Felony, which he confeſſes, and now appeals or approves, that is, accuſes others who were Coadjutors or Helpers with

him in doing the ſame or other Felonies, which thing he will approve. And this proof is to be either by Battle, or by the Country, at his election that appealed. This accuſation is often done before the Coroner, who either is aſſigned to the Felon by the Court to take and record that which he ſaith; or is called by the Felon himſelf, and required, for the good of the Prince and Commonwealth, to record that which he ſhall ſay. The Oath of the Approver when he begins the combate, as alſo the Proclamation by the Heraulds, appear in Cromp. pag. ult.

If a man of good fame be appealed by an Approver, by which he is taken and kept in Priſon, yet he may have a Writ to be directed to the Sheriff, commanding him to ſuffer the Party appealed to be bailed by good Sureties. But if a man appealed by an Approver be kept in Priſon, and afterwards the Approver dies, there he may ſue a Writ directed to the Sheriff, to ſuffer him to be bailed upon good Surety, if he be not a notorious Felon, although he be not of good fame. Fitz Nat. Brev. 250. d.

dors ove luy ẽ feſans, d̃ ceo ou aut Felonies, le q̃l choſe il voile approver. Et ceſt proof eſt deſtre ou p̃ Battail, ou per le Pais, a ſon election que approve. Ceſt accuſation eſt pluſors foits fait devãt le Coroner, que ou eſt aſſigne al felon p̃ le Court a prẽder & recorder c̃ q̃ il dit; ou eſt appel p̃ le Felon luy meſme, & require pur le bone del Prince & Publiqueweale a recorder ceo q̃ il dira. Le Serement del Approver quant il cõmence le cõbat, cõe auxy le proclamation per les Heraulds, appearont en *Cromp. pag. ult.*

Si home que eſt de bone fame ſoit appeal p̃ un Approver, p̃ q̃ il eſt priſe & deteign ẽ priſon, uncore il poit aver un Brief deſtre direct al Vicount luy cõmandãt a p̃mitter le Party appeal dẽ bail p̃ bone Mainpernors. Mes ſi home appeal p̃ un Approver ſoit deteign ẽ Priſon, & apres le Approver devie, la il puit ſue un Brief direct al Vĩ a p̃mitter luy de aler a mainpriſe ſur bone Surety, ſil ne ſoit notorious Felon, cõm q̃ il ne ſoit d bone fame. *Fitz. Nat. Brev. 250 d.*

The King's Approvers.

THE King's Approvers are thoſe that have the letting of the King's Demeans in ſmall Mannors for the King's greater advantage. And for ſuch Approvers you may read in the Stat. 2 E. 3. c. 12. that they were men ſent into divers Counties to increaſe the Farms of Hundreds and Wapentakes. And you may ſee in the Statute made in 1 E.

Approvers le Roy.

Approvers le Roy ſont ceux que ont le demiſer des Demeans le Roy deins petits Mannors le Roy pur le plus availe le Roy. Et des tiels Approvers poies veier en le Stat. 2 *E.* 3. *c.* 12. que fuerõt homes miſes ẽ divers Counties p̃ ẽcreaſe les Farmes des Hundreds & Wapẽtakes. Et eſt a veier en le Stat. 1 *E.* 3.

c. 8. que les Viſc̄ appel eux meſmes les *Approvers le Roy.*

Arbitrement.

ARbitrement eſt un Award, Determination ou Judgem̄t, quel un ou pluſors font al requeſt de deux parties al meines, p̄ & ſur aſcun Det, Treſpaſs, ou auter Controverſie ewe penter eux. Et ceſt appel en Latin *Arbitratus*, & *Arbitrium* ; & ils que font le Award ou Arbitrement ſont appel *Arbitri*, en Anglois **Arbitrators.**

A chesc̄ Arbitrement cinq̄ choſes ſont incidēt ; *ſc.* Matter d Controverſie, Submiſſion, Parties al Submiſſiō, Arbitors, & render ſuis del Arbitrement. *Dyer* 217. *pl.* 60. Si l Arbitrement ſoit fait, q̄ lun partie alera quit de touts Actions que lauter ad vers luy, & riens eſt dit des Actions que il ad vers lauter ; ceſt Arbitrement eſt void, p̄ ceo que fuit fait d lun part, & nemy de lauter 7 *H.* 6. *c.* 40.

Quant un Submiſſion a un Arbitrem̄t eſt gēeral d touts Actions, &c. & le Arbitrat' fait un Award ſolem̄t de un, uncore ceo bien poit eſtoyer ove le generality des parols q̄ la ne fuit forſque un Cauſe dependant penter eux ; car, *Generale nihil certi implicat.* Et ſi le Arbitrem̄t ſerroit p̄ ceo avoid, donques pluſors Arbitrem̄ts poient eē void ; car lun poit conceal un Treſpaſs fait, ou auter cauſe de Action done a luy, & iſſint avoid l Arbitrem̄t. Auxy nul party al asc̄ Arbitrem̄t ſerra p̄ ceo lye, ſinō q̄ le Agard ſoit a luy deliver, cōe eſt *Cok. l* 5.

3. c. 8. that the Sheriffs call themſelves the King's Approvers.

Arbitrement.

ARbitrement is an Award, Determination, or Judgment, which one or more makes at the requeſt of two parties at the leaſt, for and upon ſome Debt, Treſpaſs, or other Controverſie had between them. And this is called in Latin Arbitratus, and Arbitrium ; and they that make the Award or Arbitrement are called Arbitri, in Engliſh Arbitrators.

To every Arbitrement five things are incident ; ſc. Matter of Controverſie, Submiſſion, Parties to the Submiſſion, Arbitrors, and giving up of the Arbitrement. Dyer 217. pl. 60. If the Arbitrement be made, that the one party ſhall go quit of all Actions which the other hath againſt him, and nothing is ſaid of the Actions which he hath againſt the other ; this Arbitrement is void, becauſe it was made of the one part, and not of the other. 7 H 6. cap. 40.

When a Submiſſion to an Arbitrement is general of all Actions, &c. and the Arbitrator makes an Award only of one ; yet this may well ſtand with the generality of the words, that there was but one Cauſe depending between them ; for, A generality implies no certainty. And if the Arbitrement ſhould be for this avoided, then many Arbitrements might be avoided ; for the one might conceal a Treſpaſs done, or other cauſe of Action given him, and ſo avoid the Arbitrement. Alſo no party to any Arbitrement ſhall be by it bound, unleſs the Award be delivered unto him a

as it is in Co. l. 5. f. 103. See *f.* 103. Vide *Coke l.* 8. *f.* 98. Co. l. 8. f. 98.

Arches.

ARches (or the Court of the Arches) is the chief and moſt ancient Conſiſtory belonging unto the Archbiſhop of Canterb. and it is called from the Arches of the Church where the Court is kept, namely, Bow-Church in London. And of this Court mention is made in Stat 24. Hen. 8. cap. 12. touching Appeals.

Arms.

ARms, in the underſtanding of the Law, is extended to any thing that a man, in his anger or fury takes into his hand to caſt at, or ſtrike another. Cromp. Juſtice of Peace, 65. a.

Array.

ARray is the taking or ordering a Jury or Inqueſt of men that are impannelled upon any Cauſe, 18 H. 6 c. 14. from whence comes the Verb, to array a Pannel, Old Nat Brev. f. 157. that is, to ſet forth one by another the Men that are impannelled. The Array ſhall be quaſhed, ibid. By Statute every Array in Aſſiſe ought to be made four days before. Brook tit. Pannel. num. 10. To challenge the Array. Kitch. 92.

Arrain.

ARrain is to put a thing in order or in his place: as one is ſaid to arrain an Aſſiſe of Novel Diſſeiſin in the County in which it ought to be brought for trial before the Juſtices of that Circuit, Old N. B. fol. 109. And in ſuch ſenſe Lit. hath uſed the ſame word, The Leſſee arrains

Arches.

ARches (*ſive Curia de Arcubus*) eſt le principal & plus ācient Conſiſtory q̄ apptain al Archeveſque d̄ *Cant.* & eſt appel d̄ les Arches del Eſgliſe lou le dit Court eſt tenus, viz. *Eccleſia B. Mariæ de Arcub. en Londres.* Et d̄ ceſt Court mention eſt fait en Stat. 24 *H.* 8. *c.* 12. touchant Appeals.

Armes.

ARmes, en le intelligence del Ley, eſt extend a touts choſes q̄ un home, en ſon ire ou furie, prend en ſa main pur jetter ou ferier un autre. *Crom. Juſt. P. f.* 65. *a.*

Array.

ARay eſt le diſpoſing ou ordering de Jury ou Enqueſt de hōes q̄ ſont impannel ſur aſc̄ Cauſe, 18 *H.* 6. *c.* 14. d̄ q̄ vient le verb, *al array er un Pannel. Vet. N. B f.* 157. ceſt adire, a mitter hors un p auter les hōes q̄ ſont impāel. Le Array ſerra quaſh, *ib.* Per Statute chesc̄ Array en Aſſiſe devoit deſtr̄ fait quater jours devāt. *Brook. tit. Pannel. num.* 10. A challenger le Array, *Kitch.* 92.

Arrain.

ARrain eſt a mitter un choſe en ord̄ ou en ſon lieu: Sicom̄ il eſt dit arrain un Brief de *Novel Diſſeiſin* en un County ē que il devoit eſtre port p̄ trial devant les Juſtices d̄ cel Circuit. *Vet. N. B. f.* 109. Et en tiel ſenſe *Litt.* ad uſe meſme l' parol, le Leſ-

ſee arraign̄ un Aſſiſe d̄ *Novel Diſſeiſin.* Auxy un priſon̄ eſt dit deſtre arraign̄, quāt il eſt indict & miſ a ſon trial.

an Aſſiſe of Novel Diſſeiſin. Alſo a pꝛiſoner is ſaid to be arraigned, when he is indicted and put to his trial.

Arrerages

A *Rrerages* ſont Duties arere nient pay apres le jours & temps en que ils fueront dues, & doyent aver eſtre payes, ſoyent ils Rents de Manor, ou aſcun auter choſe reſerve.

Arrearages.

ARrearages are Duties behind unpaid after the days and times in which they were due, and ought to have been paid, whether they be Rents of a Mannoꝛ; oꝛ any other thing reſerved.

Arreſt.

A *Rreſt* eſt quant un eſt pris & reſtrain a ſon liberty. Nul ſerra arreſt p̄ Det, Treſpaſs, Detinue, ou auter cauſe de Action, mes p̣ vertue dun Precept ou Com̄andm̄t hors de aſc̄ Court. Mes p̄ Treaſon, Felonie, ou enfreinder del Peace, chesc̄ hōe ad auctoritie d̄ arreſter ſans Garrantie ou Precept. Et lou ſerra arreſt p̄ Felonie, il coviēt, q̄ aſcun Felonie ſoit fait, & q̄ il ſoit ſuſpect̄ de m̄ le Felonie; ou auterm̄t il poit aver ēvers luy que iſſint luy arreſt un Brief d̄ faux Impriſonm̄t. Et quat aſc̄ hōe eſt arreſt p̄ Felonie, il ſerra ameſne a le Gaole, la a demurre tanque al prochein Seſſion, p̄ eſtre indict, ou deliver p̣ Proclamation.

Arreſt.

ARreſt is when one is taken and reſtrained from his liberty. None ſhall be arreſted foꝛ Debt, Treſpaſs, Detinue, oꝛ other cauſe of Action, but by virtue of a Pꝛecept oꝛ Commandment out of ſome Court. But foꝛ Treaſon Felony, oꝛ bꝛeaking of the Peace, every man hath authoꝛity to arreſt without warrant oꝛ Pꝛecept. And where one ſhall be arreſted foꝛ Felony, it behoves that ſome Felony be done, and that he be ſuſpected of the ſame Felony; oꝛ otherwiſe he may have againſt him that did ſo arreſt him, a Writ of falſe impꝛiſonment. And when any man ſhall be arreſted foꝛ Felony, he ſhall be bꝛought to the Gaol, there to abide till the next Seſſions, to be indicted oꝛ delivered by Pꝛoclamation.

Arretted.

A *Rretted* eſt ceſtuy q̄ eſt appel devant aſcun Judge, & charge ove un crime. Asc̄ foirs ceſt uſe pur impute ou laid unto: Sicōe nul folly puit eſtre arret a luy que eſt deins age. *Lit. cap. Remit.* Ceſt parol poit vener d̄ Latin parol *Rectus*, car *Bracton* ad ceſt Phraſe, *ad rectum habere male-*

Arretted.

ARretted is he that is convented befoꝛe any Judge, and charged with a Crime. Sometimes it is uſed foꝛ imputed oꝛ laid unto: As no folly can be arretted to him that is within age, Lit. cap. Remit. This woꝛd may come of the Latin woꝛd Rectus, foꝛ Bracton hath this Phꝛaſe, Ad rectum habere male-

factorem

factorem, so that he may be charged and put to his trial. And in another place he saith, Rectatus de morte hominis.

Assach.

ASsach seems to be a British word, and to signifie a strange kind of Excuse or Purgation by the Oaths of 300 Men. An. 1. H 5. cap. 5.

Assart.

ASsart is an Offence committed in the Forest, by pulling up by the Roots the Woods which are thickets or coverts of the Forest, and by making them as plain as the arable Land. This Assart of the Forest is the greatest offence or trespass that can be done in the Forest to Vert or Venison, containing in it Waste, or more: For where Waste of the Forest is nothing but the selling and cutting down of the covert Wood, which may in time grow again; an Assart is a pulling up by the Root, by which they can never grow again. Man. part. 2. c. 9 num. 1. A Writ of Ad quod damnum may be awarded, where a Man will sue license to assart his Land within the Forest, and make it several for Tillage; so that it is no Offence if it be done by license. Reg orig. fol. 257.

Assault.

ASsault (from the French Assailler) signifies a violent kind of injury offered to a man's person, of a more large extent than Battery; for it may be committed by offering a blow, or by a terrifying speech. Lamb. Eiren. lib. 1. cap. 3.

factorem, issint que il poit estre charge & mis a son trial Et en aut' lieu il dit, *Rectatus de morte hominis.*

Assach.

A*Ssach* semble estre un British parol, & signifie un estrãge espece d' Excuse ou Purgation per les Sacrãnts de trois cents homes. *An. 1. H. 5. c. 5.*

Assart.

A*Ssart* est un Offence commit en le Forest per attachment le Boys que sont thickets ou coverts del Forest & p feasance de eux cy plain com̃ le ter̃ arable. Cest Assart del forest est pluis grãd offence ou trespas q̃ puit estr̃ fait en le Forest al Vert ou Venison conteignont en ceo Waste, ou pluis: Car ou Waste del Forest nest forsq̃ le selling & succiding del covert Boys, q̃ poit ẽ temps recrescer; un Assart est un attachm̃t p le root, p q̃ ils ne unques poiẽt crescer. *Manw. part. 2. cap. 9. nu. 1.* Un Brief d' *Ad quod damnum* poit estre ãgard, lou un home voile sue p̃ un licence dassart son ter̃ deins le Forest, & faire c̃ several pur Agriculture; issint que nest asc̃ offence sil soit fait p̃ licence. *Reg. orig f. 257.*

Assault.

A*Ssault* (du Francois *Assaillir*) signifie un violent facõn de Injurie offer a la person de un hõe, d' un nature plus extẽdue q̃ Battery; p ceo q̃ il poit estre cõmis ẽ offrãt un coup, ou p̃ les parols menaceants. *Lamb. Eiren. l. 1. c. 3.*

Assayer.

A *Sſayer* eſt un Officer del Mint appoint per le Statute 2 *H.* 6. *c.* 12. deſtre preſent al receit del Bullion, cõe un party indifferent enter le Maſter del Mint & le Merchant pur determine le vray value de Bullion ſolonque le Ley.

Aſſets.

A *Sſets* eſt en deux ſorts; lun appel *Aſſets per deſcent*, lauter *Aſſets enter maines*. *Aſſets per deſcent* eſt, lou un home eſt oblige ẽ un Obligation, & moruſt ſeiſie de terres en Fee-ſimple, queux deſcend a ſon Heir, donques ceſt terre ſerra appel *Aſſets*, ceſt adire, ſufficient d payer ceſt dett; & p ceſt means le Heir ſerra charge cy avant q̃ le terre iſſint a luy deſcẽd voil ſtretch. Mes ſil alien devant que le Obligatiõ ſoit miſe en ſuit, il eſt diſcharge.

Auxy quãt un home ſeiſie de teſ en tail, ou en droit d ſon feme, alien ceo ove Garranty, & ad en value tant terre en Fee-ſimple, que deſcend a ſon Heir, q̃ eſt auxy Heir en tail, ou Heir al Feme: ore le Heir, apres le mort ſon Anceſter, port un Brief de Formedon, ou *Sur cui in vita* p̃ le terre iſſint alien; donques il ſerra Barr̃, per reaſon dun Garranty, & terre iſſint deſcend, que eſt tant en value come ceo que fuit vende, & iſſint per ceo il nad receive aſcun pjudice. Pur ceo ceſt terre eſt appel *Aſſets per deſcens.*

Aſſayer.

A Sſayer is an Officer of the Mint appointed by the Stat. of 2 H. 6 c. 12. to be preſent at the taking in of the Bullion, as a party indifferent between the Maſter of the Mint and the Merchant, to ſet the true value of the Bullion according to the Law.

Aſſets.

A Sſets is in two ſorts; the one called Aſſets per deſcent, the other, Aſſets enter maines. Aſſets per deſcent is, where a Man is bound in an Obligation, and dies ſeiſed of Lands in Fee-ſimple, which deſcend to his Heir, then his Land ſhall be called Aſſets, that is, enough or ſufficient to pay the ſame debt; and by that means the Heir ſhall be charged as far as the Land ſo to him deſcended will ſtretch. But if he have alienᵉd before the Obligation be put in Suit, he is diſcharged.

Alſo when a Man ſeiſed of Lands in tail, or in the right of his Wife, aliens the ſame with warranty, and hath in value as much Lands in Fee-ſimple, which deſcends to his Heir, who is alſo Heir in tail, or Heir to the Woman: now if the Heir, after the deceaſe of his Anceſtor, bring a Writ of Formedon, or Sur cui in vita, for the Land ſo alienᵉd; then he ſhall be barred, by reaſon of the Warranty, and the Land ſo deſcended, which is as much in value as that which was ſold, and ſo thereby he hath received no prejudice. Therefore this Land is called Aſſets per deſcent.

Aſſets

Aſſets enter maines is, when a Man indebted (as before is ſaid) makes Executors, and leaves them ſufficient to pay, or ſome Commodity or Profit is come unto them in right of their Teſtator; this is called Aſſets in their hands.

Aſſignee.

ASſignee is he to whom a thing is appointed or aſſigned to be uſed, paid, or done; and is always ſuch a Perſon who occupies or hath the thing ſo aſſigned in his own right, and for himſelf. And of Aſſignees there are two ſorts, namely, Aſſignee in Deed, and Aſſignee in Law.

Aſſignee in Deed is, when a Leaſe is granted to a Man and his Aſſignees, or without that word Aſſignees, and the Grantee gives, grants, or ſells the ſame Leaſe to another, he is his Aſſignee in Deed. Aſſignee in Law is every Executor named by the Teſtator in his Teſtament. As if a Leaſe be made to a man and his Aſſignees (as is aforeſaid) and he makes his Executors, and dies without aſſignment of the Leaſe to any other; the Executors ſhall have the Leaſe, becauſe they are his Aſſignees in Law. And ſo it is in other caſes.

Aſſiſe.

ASſiſe is a Writ that lies where any Man is put out of his Lands, Tenements, or of any profits to be taken in a certain place, and ſo diſſeiſed of his Free-hold. Free-hold to any Man is, where he is ſeiſed of Lands and Tenements, or Profit to be taken in Fee-ſimple, Fee-tail, for term of his own or ano-

Aſſets enter maines, eſt quant un home ē dett (com̃ devāt eſt dit) fait Executors, & relinquiſt a eux ſufficient de payer, ou aſcun comodity ou profit eſt vēus al eux ē droit lour Teſtator; ceſt appel *Aſſets en lour maines*.

Aſſignee.

A*Sſignee* eſt celuy a que un choſe eſt appoint ou aſſign̄ deſtre occupy, pay, ou fait; & eſt touts foits tiel pſon q̄ occupy ou ad le choſe iſſint aſſigne ē ſon droit demeſne, & p̄ luy meſme. Et d̄ Aſſignees il y ſont deux ſorts, noſment, *Aſſignee en Fait*, & *Aſſignee en Ley*.

Aſſignee en Fait eſt, quant un Leaſe eſt grant al un & a ſes Aſſignees, ou ſans ceſt parol *Aſſignees*, & le Grantee done, grant, ou vend le dit Leaſe al aut', il eſt ſon Aſſign̄ en Fait. *Aſſignee en Ley* eſt chesc̄ Executor noſme per le Teſtator ē ſon Teſtam̄t. Cōe ſi un Leaſe ſoit fait al un hōe & a ſes Aſſignees, (ſicōe eſt avantdit) & il fait ſes Executors, & moruſt ſans aſſignm̄t del Leaſe al aſcun auter; les Executors averont meſme le Leaſe, p̄ ceo q̄ ils ſont ſes Aſſignees ē Ley. Et iſſint eſt ē auters ſemblables caſes.

Aſſiſe.

A*Sſiſe* eſt un Brief q̄ giſt ou aſc̄ home eſt mis hors de ſon ter̄ ou tenem̄ts, ou d̄ aſc̄ profit a prēder ē certain lieu & iſſint diſſeiſie d̄ ſon Franktenem̄t. Franktenem̄t a aſc̄ hōe eſt, lou il eſt ſeiſie d̄ ter̄ ou tēem̄ts, ou profit a prēder en Fee-ſimple, Fee-tail, p̄ term d̄ ſon vie demeſne ou p̄

aut' vie. Mes Tenāt p *Elegit* Tenant p *Stat. Merchant* & *Stat. Sta le* poiēt aver Aſſiſe, coīnt que ils nōt Franktenement; & ceſt ordein p divers Statutes.

En Aſſiſe il covient touts foits que il ſoit un Diſſeiſor & un Tenant, ou auterm̄t le Brief abatera.

Auxy lou un hōe eſt diſſeiſie & recovera p Aſſiſe de *Novel Diſſeiſin*, & puis eſt auter foits diſſeiſie p meſme le Diſſeiſor, il avera vers luy un Brief de *Rediſſeiſin* directe al Viſc̄ de faire inquiſition; & ſi trove ſoit le *Rediſſeiſin*, il ſerra mis en priſon. Auxy ſi home recovera per Aſſiſe de *Mortdanceſtor*, ou p aut' Jury, ou p default, ou p reddition, & ſil ſoit auter foits diſſeiſie, il avera donques un Brief d *Poſt Diſſeiſin*; & ceſtuy q̄ eſt pris & impriſon p̄ *Rediſſeiſin*, ne ſerra deliver ſans eſpecial coīnandm̄t le Roy. Veies les Statutes *Merton c.* 3. *Marlebridge c.* 8. & *Weſtm.* 2. *c.* 26.

Auxy i eſt un aut' Aſſiſe, noſme Aſſiſe d *Fr ſh force*, & giſt lou hōe eſt diſſeiſie d tenem̄ts queux ſont deviſables, cōe en le City de *Londres*, ou auter Boroughs ou Villes que ſont Enfranchiſes; donques le Defendant viendra ē le Court del dit Ville, & enter ſon Plaint, & avera un Brē direct al Major ou Bailiffs &c. & ſur ceo paſſera un Jury en manner d Aſſiſe de *Novel Diſſeiſin* Mes il covient q̄ il ent' ſon Plaint deins quadragint jours, ut dicitur, ou aut'm̄t il ſerra miſſe a le Coīon Ley. Et ſi les Miniſters delay Execution, donques le Plain-

ther man's life. But Tenant by Elegit, Tenant by Stat. Merchant and Stat. Staple may have Aſſiſe, though they have no Free-hold; and this is ordained by divers Statutes.

In an Aſſiſe it is needful always that there be one Diſſeiſor and one Tenant, or otherwiſe the writ ſhall abate.

Alſo where a man is diſſeiſed and recovers by Aſſiſe of Novel Diſſeiſin, and afterward is again diſſeiſed by the ſame Diſſeiſor, he ſhall have againſt him a writ of Rediſſeiſin directed to the Sheriff to make inquiſition; and if the Rediſſeiſin be found, he ſhall be ſent to priſon. Alſo if one recover by Aſſiſe of Mortdanceſtor, or by other Jury, or default, or by reddition, & if he be another time diſſeiſed, then he ſhall have a writ of Poſt Deſſeiſin; and he who is taken and impriſoned for Rediſſeiſin, ſhall not be delivered without ſpecial commandment of the King. See the Statutes Merton c. 3. Marlebridge cap. 8. and Weſtminſter 2. c. 26.

There is alſo another Aſſiſe, called Aſſiſe of Freſh force, and lies where a man is diſſeiſed of tenements which are deviſable, as in the City of London, or other Boroughs or Towns that are Franchiſes; then the Deſendant ſhall come unto the Court of the ſaid Town, and enter his Plaint, and ſhall have a Writ directed to the Mayor or Bailiffs, &c. and thereupon ſhall paſs a Jury in manner of Aſſiſe of Novel Diſſeiſin But he muſt enter his Plaint within forty days, as it is ſaid, or otherwiſe he ſhall be ſent to the Common Law. And if the Officers delay the Execution,

then

then the Plaintiff shall have another Writ to have Execution, and a Sicut alias, and a Pluries, &c. See Lit. cap. Rents.

Assise de darrain Presentment.

ASsise de darrain Presentment. See Quare impedit.

Also there is an Assise of Nusance called Assisa Nocumenti.

Assise of the last Presentation.

Assise de utrum.

ASsise de utrum lies for a Parson against a Layman, or for a Layman against a Parson for Lands or Tenements doubtful whether they are lay fee or free Alms.

Assise of the Forest.

ASsise of the Forest is a Statute or Condition touching Orders to be observed in the King's Forest.

Assise de Mortdancestor.

ASsise de Mortdancestor, cannot be against Brothers or Sisters, where there is privity of Blood, but against Strangers. Co. Lit. 242. a.

Association.

ASsociation is a Patent sent by the King, either of his own motion, or at the suit of the party Plaintiff to the Justices of Assise, to have other Persons associated to them to take the Assise: And upon this Patent of Association, the King will send his Writ to the Justices of Assise, by it commanding them to admit them that are so sent.

tiff avera un auter Brē daver Execution & *Sicut alias*, & un *Pluries*, &c. Vide *Littleton*, *c. Rents.*

Assise de darrain Presentment.

A *Ssise de darrain Presentment.* Vidę *Quare impedit.*

Auxy est un Assise d Nusance appel *Assisa Nocumenti.*

Assisa ultimæ Præsentationis.

Assise de utrum.

A *Ssise de utrum* gist p̄ un Parson vers un lay hōe ou p̄ un lay hōe vers un Parson p̄ Terres ou Tenements en averoult si sont lay fee ou frank almoign.

Assise del Forest.

A *Ssise del Forest* est un Statute ou Condition touchant Ordres de estre observe en le Forest del Roy.

Assise de Mortdancestor.

A *Ssise de Mortdancestor*, ne poet estre envers Freres ou Soers ou est privity del Sant, mes envers Strangers. *Co. Lit.* 242. *a.*

Association.

A *Ssociation* est un Patent mis p̄ le Roy, ou de son motion demesn̄, ou al suit del party Plaintiff, al Justices d Assise, pur aver auters p̄sons associes al eux de prender le Assise: Et sur ceo Patent de Association, le Roy mandeth son Brē as Justices de assise, eux comandment p̄ icel d eux admitter q̄ sont issint mis.

Si

Si le Roy fait trois Justices d Assise, & puis un de ceux devie, ore le Roy poit faire un Patent a un auter d Associatiō, de assocer luy a les deux, en lieu de cestuy que est mort, en un Brief, que serra close, direct a les deux Justices q̄ sont en vie, d luy admitter. *Fitz. Nat. Brev.* 185.

If the King makes three Justices of Assise, and afterwards one of them dies, there the King may make a Patent of Association to another, to associate him to the two, in place of him that is dead, in a Writ which shall be close, directed to the two Justices that are alive, to admit him. Fitz. Nat. Brev. 185.

Assoyl.

A *Ssoyl* venust del Latine *absolvere*, & signifie p̄ bail ou discharge ascun del Excommunication; & issint est use per *Stamford*, Pleas de Coron. *lib.* 2. *cap.* 18. *fol.* 71. *b.*

Assoil.

A Ssoil comes from the Latin absolvere, and signifies to deliver or discharge a man of an Excommunication; and so it is used by Stamford, in his Pleas of the Crown, lib. 2. cap. 18. f. 71. b.

Assumpsit. Vide *Nude Contract.*

A *Ssumpsit* est un voluntary promise fait p parol, p q̄ hōe assume ou prist sur luy a payer ascun chose al auter. Cest parol contein en ycel ascun verbal Promise fait sur consideration, que les Civilians expresse p plusors parols, accordant al nature del Promise; ceo appellant asc̄ foits *Pactum*; *Promissionem*, auter foits *Sponsionem*, *Pollicitationem*, ou *Constitutum*.

Assumpsit. *See* Nude Contract.

A Ssumpsit is a voluntary promise made by word, by which a man assumes and takes upon him to perform or pay any thing to another. This word contains in it any verbal Promise made upon consideration which the Civilians express by several words, according to the nature of the Promise; calling it sometimes Pactum, Promissionem, other times Sponsionem, Pollicitationem, or Constitutum.

Attach.

A *Ttach* est un Prisure ou Apprehending p comand ou Brief. La sont ascuns differences perenter un Arrest & un Attachment; car un Arrest proceed hors del inferiour Courts p Precept, & Attachmēt hors del superior Courts p Precept ou Brief. *Lamb. Eiren. lib.* 1. *cap.* 16. Auxy un Arrest gist solemt sur le Corps d un home, lou

Attach.

A Ttach is a Taking or Apprehending by Command or Writ. There are some differences between an Arrest and an Attachment; for an Arrest proceeds out of the inferior Courts by Precept, and Attachment out of the superior Courts by Precept or Writ. Lamb. Eiren. lib. 1. cap. Also an Arrest lies only upon the Body of a man, whereas

Attach

Attachment is ſometimes upon its Goods only; as Kitch. fol. 279. b. ſaith, a man may attach a Cow, and in another caſe, that a man may be attached by an hundred Sheep; and it is ſometimes awarded upon the Body and Goods together at one and the ſame time.

Attachment differs from a Capias, for Kitch. fol. 79. b. hath theſe words, Note that in a Court Baron a Man ſhall be attached by Goods, and a Capias ſhall not go out thence: By which it ſeems Attachment is more general, extending to the taking of Goods, where a Capias extends to the taking of the Body only.

An Attachment differs from a Diſtreſs, as appears by Kit. fol. 78. a where he ſaith, Proceſs in Court Baron is Summons, Attachment, and Diſtreſs, which are Proceſs at the Common Law.

There is alſo an Attachment of Privilege: and this is twofold; either giving power to apprehend a Man in a place privileged, or by virtue of an Office or Privilege; as to call another to that Court to which he himſelf belongs, and in reſpect of which he is privileged. New Book of Entries. fol. 431. a.

And there is a Proceſs called Foreign Attachment, which is uſed to attach the Goods of Foreigners found within any Liberty or City, for a Debt due to the party himſelf. And, by the Cuſtom of ſome places, a Man may attach Goods in the Hands of a Stranger: as if A. owe to B. ten Pounds, and C. owes A. another Sum of

un Attachm̃t eſt aſcun foits ſur ſes biens ſolement; cõe *Kitch. fol.* 279. *b.* dit que home poit attach un Vache, & en auter lieu, que home poit eſtre attach per 100. Barbits; & il eſt aſcun foits agard ſur le Corps & biens enſemble al un & meſme le temps.

Attachment differ a un *Capias*, car *Kitchin, fol.* 79. *b.* ad ceux parols, Nota que en Court Baron home ſerra attach per biens, & ne iſſera *Capias* la: Per que il ſemble Attachment eſt pluis general, extendant al priſure des biens, lou *Capias* extend al priſure del Corps ſolement.

Un *Attachment* differ a un Diſtreſs, come appiert per *Kitch. fol.* 78. *a.* ou il dit, Proceſs en Court Baron eſt Summons, Attachment, & Diſtreſs, que ſont Proceſſe al Common Ley.

La eſt auxy un *Attachment de Privilege*; & ceo eſt en deux mannors; ou donant poyer d apprehender un hõe en un lieu privilege, ou per vertue dun Office ou Privilege; cõe d appeller un aut' a cel Court a q̃ il meſme eſt attendant, & ẽ reſpect d quel il eſt privilege. *Novel Livre de Entries, fol* 431. *a.*

Et la eſt Proceſs appel *Foreign Attachment*, q̃ eſt uſe al attacher les Biens del Foreigners trove deins aſcun Liberty ou City, p̃ un Dett due al party meſme. Et p̃ le cuſtõ daſcuns lieus, hõe poit attach Biens en les maines dun Eſtranger: Come ſi *A.* devoit al *B.* 10 livres, & *C.* devoit al *A.* un auter ſum d argent,

Argent, *B.* poit Attacher les biens de *A.* en les maines de *C.* a luy ſatisfier ou ẽ part ou en tout, come le Dett eſt.

Auxy la eſt *Attachment del Foreſt*, que eſt un Court la tenus cheſcun 40 jours per tout le An: En que le Verderors nont aſcun auctority, forſque d receiver & inroller les Attachments del Offenders ẽcounter Vert & Veniſon priſe p les auters Officers, q̃ ils poiẽt eẽ preſent al prochein Juſtice ſeat en Eyre. *Manwood, part* 1. *p.* 93. *c.* 22.

Money, B. may attach the Goods of A. in the hands of C. to ſatisfie himſelf in part or all, as the Debt is.

Alſo there is Attachment of the Foreſt, which is a Court there held every forty days throughout the Year: In which the Verderors have not any authority, but to receive and inroll the Attachment of Offenders againſt Vert and Veniſon taken by the other Officers, that they may be preſented at the next Juſtice ſeat in Eyre, Manwood, part 1. p. 93. c 22.

Attainder.

A *Ttainder* eſt un Conviction daſcun perſon dun crime ou fault dont il ne fuit convict devãt: Sicõe un home fait Felony, Treaſon, ou tiels ſemblables, & de ceo eſt indict, arraigñ, & trove guilty, & ad Jugement, donques il eſt dit deſtre *Attaint*. Et ceo poit eſtre deux voyes; le un ſur Appearance, le auter ſur Default. Le Attainder ſur Appearance eſt per Confeſſion, Battel, ou Verdict: le Attainder ſur Default eſt per Proceſs tanque il ſoit utlage.

Attainder.

A Ttainder is a Conviction of any perſon of a Crime or fault whereof he was not convict before: as if a man have committed Felony, Treaſon, or ſuch like, and thereof is convicted, arraigned, and found guilty, and hath Judgment, then he is ſaid to be Attainted. And this may be two ways, the one upon Appearance, the other upon Default. The Attainder upon Appearance is by Confeſſion, Battail, or Verdict: the Attainder upon Default is by Proceſs until he be outlawed,

Attaint.

A *Ttaint* eſt un Brief que giſt lou faux Verdict eſt done per douze homes, & Jugement done ſur ceo, donques le party vers que ils avoient pas, avera ceſt Brief vers les douze homes; & quant ils ſont a iſſue, il ſerra trie per vint quater Jurors, & ſi faux Verdict ſoit trove, les douze Jurors ſõt attaint; & donques le Jugement ſerra,

Attaint.

A Ttaint is a Writ that lies where falſe Verdict is given by twelve men, and Judgment given thereon, then the party againſt whom they have paſſed, ſhall have a Writ againſt the twelve Men; and when they are at iſſue, it ſhall be tried by twenty four Jurors, and if the falſe Verdict be found, the twelve Men are attaint; and then the Judgment ſha

ail be, That their Meadows ail be eyzed, their Houſes oken down, their Woods tur- ed up, and all their Lands nd Tenements forfeited to the ing: But if it paſs againſt im that brought that attaint, e ſhall be impriſoned, and grie- ouſly ranſomed at the King s ill. See the Statute 23 Hen. cap. 3. Attaint alſo is when udgment is given in Treaſon Felony.

Attendant.

A Ttendant is where one owes a duty or ſervice to another, as it were depends upon ano- her: as if there be Lord, Meſne, and Tenant, the Tenant olds of the Meſne by a penny, he Meſne holds over by two ence, the Meſne releaſes to the Tenant all the right which he ath in the Land, and the Te- ant dies; his wife ſhall be en- owed of the Land, and ſhe ſhall e Attendant to the Heir of the hird part of one penny, and not f the third part of two pence; r ſhe ſhall be endowed of the eſt poſſeſſion of her Husband. lſo where the wife is endowed y the Gardian, ſhe ſhall be ttendant to the Gardian and o the Heir at his full age.

Attournment.

A Ttournment is, when one is Tenant for term of Life, nd he in Reverſion or Re- ainder grants his Right or E- ate to another, then it behoves he Tenant for Life to agree hereto; and this agreement is alled an Attournment. For if he n the Reverſion grant his eſtate nd right to another, if the Te- ant for Life attourn not, no- hing paſſes by the grant.

que lour Prees ſerront eyrs, lour Meaſons debruſes, lour Bois ſubvertes, & touts lour Terres & Tenements forfeit al Roy: Mes ſil paſſa en- counter celuy que port ceſt attaint, il ſerra impriſon, & grievouſment ranſom al vo- lunt le Roy. Vide le Stat. 23 *Hen.* 8. *cap.* 3. *Attaint* auxy eſt quant Jugement eſt done en Treaſon ou Felony.

Attendant.

A *Tendant* eſt ou un doit un duty ou ſervice al auter, ou cõe il fuit depend ſur au- ter: Cõe ſi la ſoit Seignior, Meſne, & Tenant, le Tenant tient del Meſne p un denier, le Meſne tient ouſter p deux deniers, le Meſne releaſe al Tenant tout le droit q̃ il ad en le terre, & le Tenant mo- ruſt; ſa feme ſerra endow del terre, & el ſerra *Atten- dant* al Heir del tierce part dun dẽier, & nemy del tierce part del deux deniers; car el ſerra endow del mieulx poſ- ſeſſion d̃ ſa baron. Auxy ou le feme eſt endow p le Gar- dian, el ſerra *Attendant* al Gardian, & al Heir a ſon plein age.

Attournment.

A *Tournment* eſt, quant un eſt Tenant p̃ term d̃ vie, & ceſtuy en le Reverſion ou Remainder granta ſon droit ou eſtate a un aut', dõques il coviẽt q̃ le Teñt p̃ vie agree a ceo; & ceſt agreement eſt appel *Attournment*. Car ſi ceſtuy en le Reverſion grant ſon eſtate & ſon droit a un aut', ſi le Tenat p̃ vie ne at- tourna, riens pas p le grẽt.

Mes

Mes ſil ſoit grant p̄ Fine en Court d̄ Record, il ſerra compel d̄ attourne. Et vide de ceo apres, Titulo *Quid juris clamat, & Litt. lib.* 3. *cap.* 10.

But if it be granted by Fine in Court of Record, he ſhall be compelled to attourn. And ſee thereof after, Title Quid juris clamat, and in Littl. lib. 3. cap. 10.

Attorney.

A *Ttorney* eſt un deſigne p̄ auter home a faire aſcun choſe en ſon lieu, le quel *Weſt* iſſint ad define, Attorneys ſont tiels perſons q̄ p̄ conſent, commandment, ou requeſt, caveont, veieront al, & prēdrōt ſur eux le charge de beſoigns de auters homes en lour abſence.

Attorney.

A Ttorney is one appointed by another man to do ſomething in his ſtead, whom Weſt hath defined thus, Attorneys are ſuch Perſons as by conſent, commandment or requeſt, take care of, ſee to, and undertake the Charge of other mens Buſineſs in their abſence.

Et lou en ancient temps ceux d̄ authority ē Courts ōt aver ceo ē lour arbitrem̄t, ou ils voilent p̄mitter homes de appearer ou ſuer p̄ aſcun aut' q̄ eux meſmes, come appiert p̄ *Fitz. Nat. Brev.* 25. en le Brief de *Dedimus poteſtatem de Attornato faciendo*, ou il eſt m̄ntre, q̄ homes fuer̄ chaſe a procurer les Briefs ou Letters Patents del Roy, al appointer Attorneys pur eux; il eſt ore provide p̄ divers Stat. q̄ il ſerra loyal iſſint a faire ſans aſcun tiel circuit. Et la eſt grand diverſity de Briefs ē le table del Regiſter, p̄ q̄ le Roy com̄and ces Juges al admit d̄ Attorneys.

And where in ancient time thoſe of authority in Courts have had it in their diſpoſe, when they would permit men to appear or ſue by any other than themſelves as appears by Fitz. Nat. Brev. 25. in the Writ of Dedimus poteſtatem de Attornato faciendo, where it is ſhewed that men were driven to procure the Writs or Letters Patents of the King to appoint Attorneys for them; it is now provided by divers Stat. that it ſhall be lawful ſo to do without any ſuch circuity. And there is great diverſity of Writs in the table of the Regiſter, by which the King commands his Judges to admit of Attorneys.

Per quel meās al darrein la fueront cy pluſors imperite Attorneys, & cy pluſors miſchiefs p̄ eux, q̄ un act fait 4 *H.* 4 *c.* 18 ordeigne p̄ lour reſtraint que les Juſtices examineront eux, & mittront hors le imperites: & *An.* 33. *H.* 6. *c.* 7. q̄ la ne ſerrōt mes un certain number d̄ eux en *Norfolk & Suffolk.*

By which means at laſt there were ſo many unskilful Attorneys, and ſo many miſchiefs by them, that an Act was 4 Hen. 4. c. 18. ordained for their reſtraint, that the Juſtices ſhould examine them, and put out the unskilful: and An. 33. H. 6. c. that there ſhould be but a certain number of them in Norfolk and Suffolk.

In what caſes a man at this ay may have an Attorney, and what not, ſee Fitz. Nat. Brev. the place before cited.

Attorney is either general, or pecial. Attorney general, is he hat is appointed to all our Affairs or Suits; as the Attorey general of the King, Attorey general of the Duke, Cromp. 05. Attorney ſpecial or particular is he that is imploy'd in e or more things particular ſpecified. Attorneys general e made two ways, either by e King's Letters Patents, or y our own appointment, before Juſtices in Eyre in open ourt. See Glan. lib. 11. cap. 1. rit. 126.

Audience Court.

Udience Court (Curia audientiæ Cantuarienſis) is a Court longing to the Archbiſhop of anterbury, of equal Authority ith the Arches Court, though ferior both in dignity and antiquity. Of which you may ad more in a Book entituled, e antiquitate Eccleſiæ Britanicæ hiſtoria.

Audita Querela.

Udita Querela is a Writ that lies where one is bound in Statute-Merchant, Statute-ſtaple, or Recogniſance, or here Judgment is given againſt him for Debt, and his dy in Execution thereupon; en if he have a Releaſe, or her matter ſufficient to be ſcharged of Execution, but th no day in Court there to ead it, then he ſhall have this rit againſt him which hath overed, or againſt his Exeors.

En queux caſes hõe a ceſt jour poit aver un Attorney & en queux nemy, veies *Fitz. Nat. Brev.* en le lieu devant cite.

Attorney eſt ou general, ou ſpecial. *Attorney general* eſt ceſtuy que eſt deſigne a touts noſtre affaires ou Suits, cõe le Attorney general del Roy, Attorney general del Duke, *Crom.* 105. *Attorney ſpecial* ou particular eſt ceſtuy que eſt imploy ẽ un ou pluſors choſes particularmẽt ſpecifies. Attorneys gẽeral ſont faits deux voyes, ou per les Letters Patents del Roy, ou per noſtre appointmẽt devant Juſtices ẽ Eyre en overt Court. Veies *Glan. l.* 11. *c.* 1. *Brit.* 126.

Curia de Audience.

Curia de Audience eſt un Cur appertient al Archeveſque de *Canterbury*, d egal authority avec le *Curia de Arches*, cõmt q̃ inferieur en dignity & antiquity. De quel vous pois lire pluſeurs ẽ un Livre intitule, *De antiquitate Eccleſiæ Britannicæ hiſtoria.*

Audita Querela.

Audita Querela eſt un Brief que gitt lou un eſt oblige en un Eſtatute-Merchant, Eſtatute-Staple, ou Recogniſance, ou lou Jugement eſt done vers luy p̃ Dett, & ſon corps en Execution ſur c̃; donques ſil ad un Releas, ou auter ſufficient matter deſtre diſcharge del Execution, mes nad jour en Court de ceo pleader, donques il avera ceſt Brief vers ceſtuy que ad recover, ou vers ſes Executors.

Auditeur.

A*Uditeur* eſt un Officer del Roy, ou del auter grand perſon, que per annuel Examination, del Accounts de tout inferior Officers accountable, fait un general Livre, que monſtre le difference perenter lour Receptions ou Charge, & lour Payments ou Allocations. Veies le Stat. 33 *H.*8 *c.* 33.

Eſt auxy un auter ſort de Auditors aſſigne p aſc̄ Court en quel un Defendant eſt adjuge d Accounter, queux priſterōt l'Account, & miſe ceo en form en eſcript, & donque ceo eſt ērol, & le Plaintiff plede a ceo, & le Defendant reply ſi miſtier ſoit, & iſſint aleront al iſſue ſur divers points & particulars del Account.

Average.

A*Verage* eſt le Service que le Tenant doit a ſon Seignior, deſtre fait p les Avers le Tenant: & ſemble deſtre derive del parol *Averia* p̄ ceo que eſt le Service que les Avers le Tenant perform p̄ le Seignior p carriage ou auterment. Auxy ceo parol ad un auter ſignification, & eſt mult uſe en le Statute 32 *H.* 8. *c.* 14. p̄ un certain Contribution, que Merchants & auters payont proportionalment pur les perdes de eux que ont leur biens ejects en un tempeſt p̄ le ſafe guard del Nieſe, ou des biens & vies d eux que ſont en le Nieſe.

Auditor.

AUditor is an Officer of the King, or ſome other great perſon, who, by yearly examining the Accounts of all under-Officers accountable, makes up a general Book, that ſhews the difference between their Receipts or Charge, and their Payments or Allowances. See the Statute 33 H. 8. c. 33.

There is alſo another ſort of Auditor aſſigned by any Court wherein a Defendant is adjudged to Account, who take the Account and put it in form into Writing, and then it is inrolled, and the Plaintiff pleads to it, and the Defendant replies, if occaſion be, and ſo go to iſſue upon divers points and particulars of the Account.

Average.

AVerage is that Service which the Tenant owes his Lord, to be done by the Beaſts of the Tenant: and it ſeems to be derived from the word Averia, becauſe it is the Service which the Tenant's Beaſts perform for the Lord by carriage or otherwiſe. This word alſo hath another ſignification, and is much uſed in the Statute 32 H. 8. c. 14. for a certain Contribution, which Merchants and others pay proportionably towards their loſſes that have their Goods caſt out in a Tempeſt for the ſaving of the Ship, or of the Goods or Lives of them that are therein.

Averiis captis in Withernam.

A *Veriis captis in Withernam* eſt p̄ prender des Avers a ſon uſe, qui avoit ſon Avers illegalment priſe p̄ un auter, & chaſe hors del County lou ils fueront priſe, iſſint que ils ne poient eſtre replevy. *Reg. Brev.* 82.

Averment.

A *Verment* eſt, lou un home plead un Plea en Abatement del Brief, ou Barr̄ de Action, que il dit il eſt priſt prover come le Court voil gard. Ceſt offer de prover on Plea eſt appel un *Averment.*

Auxy eſt un Brief appel rief de Averment, que eſt it hors d̄ aſcun Court del ey a *Weſtminſter* Sale, ou un ction depend, quant le Viſount ſur un *Diſtringas* rearne petits iſſues; donques s Juges al Aſſiſes poiēt cauſe o deſtre enquiſe p̄ un Jury le Viſcount poit returne uis iſſues des terres le Dendant, & ſi ſoit trove q̄ il it, donques il doit returne uis iſſues a compel le Dendant d̄ appear al ſuit del aintiff, ou a faire ceo que *Diſtringas* require luy a re.

Averpeny.

Verpeny eſt, quietum eſſe de diverſis denariis pro arreragiis Domini Regis.

Augmentation

Ugmentation fuit le noſme de un Court erect en le *An*. del Roy *Henry* le

Averiis captis in Withernam.

A Veriis captis in Withernam, is a Writ for taking Cattle to his uſe, who hath his Cattle unlawfully taken by another, and driven out of the County where they were taken, ſo that they cannot be replevied. Reg. of Writs 82.

Averment.

A Verment is, where a Man pleads a Plea in Abatement of the Writ, or Bar of the Action, which he ſaith he is ready to prove as the Court will award. This offer to prove the Plea is called an Averment.

Alſo there is a Writ called a Writ of Averment, which is made out of any of the Law Courts of Weſtminſter Hall where the Action is depending, when the Sheriff upon a Diſtringas returns ſmall iſſues; then the Judge of Aſſiſe may cauſe it to be enquired by a Jury if the Sheriff could return more iſſues of the Lands of the Defendant, and if it be found he may, then he muſt return more iſſues to force the Defendant to appear to the Plaintiff's Suit, or to do what the Diſtringas required him to do.

Averpeny.

A Verpeny is, to be quit of divers ſums of Money for the King's arrerages.

Augmentation.

A Ugmentation was the name of a Court erected in the 27 year of King Henry the

huict. Et le cause de ceo fuit, que le Roy puit estre voierment use touchant les profits de tiels Religious Measons & lour Terres que fueront done a luy p Act d Parliam̃t mesme le an, nient imprimee. Pur le dissolving le quel Court la fuit un Act fait en le Parliament tenus ẽ le prim̃ an del Reign del Roign *Mary*, *Sess.* 2. *cap.* 10. que el puis mis ẽ Execution per sa Lettres Patents. Le nosme del Court surd d ceo, Que les Revenues del Corone fueront tant *augment* p le Suppression des dit Measons quant le Roy reserve al Corone, & nient done ou vende a lauters. Mes le Office de Augmentation remain a cest jour, en que la sont plusors Records d grand use & importance.

eighth. And the cause thereof was, that the King might be justly used touching the profits of such Religious Houses and their Lands as were given him by Act of Parliament the same year, not printed. For dissolving which Court there was an Act made in the Parliament held in the first year of the Reign of Queen Mary, Sess. 2. cap. 10. which she afterward put in Execution by her Letters Patents. The name of the Court arises from this, That the Revenues of the Crown were so much augmented by the Suppression of the said Houses as the King reserved to the Crown, and neither gave nor sold to others. But the Office of Augmentation remains to this day, wherein there are many Records of great use and importance.

Aumone.

A *Umone*, ou *Tenure en Almoin*, est Tenure per Divine Service; car issint *Brit.* dit, *fol.* 164. *Tenure en Aumone* est terre ou tenements done a Aumone, dont ascun Service est retẽue al Feoffor ou Donor.

Aumone.

AUmone, or Tenure in Almoin is Tenure by Divine Service; for so says Britton fol. 164. Tenure in Aumone is Land or Tenements given for Alms whereof some Service is reserved to the Feoffor or Donor.

Auncel Weight.

A *Uncel Weight* fuit un ancient manner d poiser ẽ *Angleterre*, p le prender des balences ou hooks al chescun fine d un baston, le quel le party elevate sur son digit, ou ove sa main, & issint discerne le equality & difference des choses poises. Mes ceo weight esteant subject al mult deceit, divers Statutes fueront faits a ceo ouster, come le Statute 25 *E.* 3. *c.* 9.

Auncel Weight.

AUncel Weight was an ancient manner of Weighing in England, by the hanging of Balances or Hooks at each end of a Staff, which the party lifted up upon his Finger, or with his Hand, and so discerned the equality or difference of the things weighed. But this Weight being subject to much Deceit, many Statutes were made to oust it, as the Stat. of 25 E 3. c. 9.

34 E. 3. c. 5. & 8 H. c. 6. c. 5. and others. And it was called Auncel Weight, as much as to say Handsale Weight.

Auncient, or Ancient Demesne.

ANcient Demesne is a certain Tenure whereby all those Mannors that were in the Hands of St. Edward the Confessor, and which he caused to be written in a Book called Dooms day, sub titulo Regis, and all the Lands holden of the said Mannors, are held; and the Tenants shall not be impleaded out of the said Mannors; and if they be, they may shew the matter, and abate the Writ: but if they answer to the Writ, and Judgment be given, then the Lands become frank-free for ever, until that Judgment be reversed by Writ of Deceit. Rast. Ent. 100, 221. 2 R. 1. 11 H. 4. 36. 21. E. 3. 20. Also the Tenants in Ancient Demesne are free of Toll for all things concerning their Sustenance and Husbandry in Ancient Demesne, and for such Lands they shall not be put or impannelled upon any Inquest. But all the Lands in Ancient Demesne that are in the King's hands are frank-free, and pleadable at the Common Law. See more after in the Title Sokmans.

Avoir de pois.

AVoir de pois is as much as to say, true or just Weight: And it signifies in our Law two things; first a kind of Weight diverse from that which is called Troy Weight, which

& 34 E. 3. c. 5. & 8 H. 6. c. 5 & auters. Et fuit appel *Auncel Weight*, quasi *Handsale Weight*.

Auncient, ou Ancient Demesne.

ANcient Demesne est un certain Tēure p quel tours ceux Mannors queux fueront en maines d St. *Edward* le Confessor, & les queux il fist escrier ē un Livre appel *Looms day, Jub titulo Regis*, & touts les Terres tenus de dit Mannors sont tenus; & les Tenants ne serra implead hors del dit Mannors, & fils soyent, ils poyent monstre le matter, & abater le Brief: mes fils responder al Brief, & plead, & Jugemt soit done, donques les Terre sont devēus frank-fee a touts jours, tantque ceo Jugement est reverse p Brief de Deceit. *Rast. Ent.* 100, 221. 2 *R.* 3. 1. 11 *H.* 4. 36. 21 *E.* 3. 20. Auxy touts Tenants ē Ancient Demesne sont frank de Tolle p̄ touts choses concernant lour viand & husbandrie en Ancient Demesne, & p̄ tiels Terres ils ne serra mis ne empannel sur ascun Enquest. Mes touts les Terres en Ancient Demesne queux sont en maines le Roy sont frank-free, & pleadable al Common Ley. Veies plus apres en le Title *Sokmans*.

Avoir de pois.

AVoir de pois est tant adire, *veri sive justi ponderis*: Et signifie ē nostre Ley deux choses; primierment, un kind d pois differēt d ceo q̄ est appel *Troy Weight*, que nad

forſque 12 ounces al liver, lou le *Avoir de pois*, contein 16. Secondment, ſignifie tiel Merchandiſes queux ſont poiſes p ceſt Weight, & nemy p *Troy Weight*. Come eſt a veier en le Stat. d *York*, 9 E. 3. & 27 E. 3. c. 9. *Stat.* 2. c. 10. & le Stat. d *Gloceſter*, 2 R. 2. c. 1.

which hath but 12 ounces to the pound, whereas Avoir de pois hath 16. Secondly, it ſignifies ſuch Merchandiſes as are weighed by this Weight, and not by Troy Weight. As you may ſee in the Statute of York, 9 E. 3. & 27 E. 3. c. 19. Stat. 2. c. 10. and the Statute of Gloceſter, 2 R. 2. c. 1.

Avowrie.

A *Vowrie* eſt lou un priſt Diſtreſs pur Rent ou auter choſe, & lauter ſua *Replevin*; donques celuy q̄ avoit ceo priſe juſtifiera ē ſon Plea p̄ quel cauſe il priſt ceo: & ſi il priſt ceo ē ſon droit demeſne, il doit ceo monſtre, & iſſint avowa le priſel, & ceo eſt appel ſon *Avowrie*. Mes ſil ceo priſt en ou p̄ le droit de un auter, donques quant il avoit monſtre le cauſe, il ferra conuſance del priſel, come Bailiff ou ſervant a celuy en que droit il priſt ceo.

Avowry.

A Vowry is, where one takes a Diſtreſs for Rent or other thing, and the other ſues a Replevin; then he that hath taken it ſhall juſtifie in his Plea for what cauſe he took it: and if he took it in his own right, he ought to ſhew that, and ſo avow the taking, and that is called his Avowry. But if he took it in or for the right of another, then when he hath ſhewed the cauſe, he ſhall make conuſance of the taking, as Bailiff or Servant to him in whoſe right he took it.

Avowterer.

A *Vowterer* eſt un Adulterer ove que un feme Covert continue en Adulterie, le Crime eſt appel *Avowtry*. 43 E. 3. 19.

Avowterer.

A Vowterer is an Adulterer with whom a married woman continues in Adultery, the Crime is called Avowtry, 43 E. 3. 19.

Awme.

A *Wme* eſt un Veſſel que conteine 40 broces de Vine Rheniſh & eſt mention en Statute fait 1 *Jac.* c. 23.

Awme.

A Wme is a Veſſel that contains 40 gallons of Rheniſh Wine, and is mentioned in the Statute made 1 Jac. c. 23.

Backberind

B.

Backberind-Thief.

BAckberind-Thief is a Thief taken with the manner, that is, having that found upon him (being followed with a Hue and Cry) which he hath ſtolen, whether it be Money, Linnen, Woollen, or other ſtuff: but it is moſt properly ſaid, when he is taken carrying thoſe things that he hath ſtolen in a bundle or fardel upon his Back.

Manwood in part 2. notes this for one of the Circumſtances or Caſes in which a Foreſter may arreſt the Body of any Offender againſt Vert or Veniſon in the Foreſt; which are, Dog-draw, Stable-ſtand, Backberind, and Bloody-hand.

Badger.

BAdger is as much as to ſay Bagger, of the French word Baggage, i. e. Sarcina: And it is uſed with us for one that is licenſed to buy Corn or other Victuals in one place, and carry them to another; and ſuch a one is exempted in the Statute made in the 5 and 6 of E. 6. c. 14. from the puniſhment of an Ingroſſer within that Statute.

Bail.

BAIL is, when a Man is taken or arreſted for Felony, ſuſpicion of Felony, indicted of Felony, or any ſuch caſe, ſo that he is reſtrained of his liberty, and being by Law bailable, offers Sureties to thoſe who have

B.

Backberind-Thief.

B*Ackberind-Thief* eſt un Laron priſe ove le manner, ceſt adire, aiant ceo trove ſur luy (eſteant purſue ove le Hue & Cry) le quel il ad emblee, ſoit il Money, Linen, Woollen, ou auter ſtuff: mes il eſt pluis properment dit, quant il eſt priſe portant tielx choſes q̄ il ad emblee en un bundle ou fardel ſur ſon Dorſe.

Manwood en part 2. ceo note p̄ un des quater circumſtances ou caſes en que un Foreſter poit arreſt le Corps d̄ aſcun Offender encounter Vert ou Veniſon en le Foreſt; queux ſont, *Dog-draw*, *Stable-ſtand*, *Backberind*, & *Bloody-hand*.

Badger.

B*Adger* eſt tant adire come Bagger, del Francois parol *Baggage*, i. e. *Sarcina*: Et eſt uſe ove nous p̄ un que eſt licence d̄ achater Corn ou auters Victuals en un lieu, & d̄ eux tranſporter al auter; & tiel hōe eſt exempt en le Statute fait *An.* 5 & 6 *E.* 6. *c.* 14. del puniſhm̄t d̄ un *Ingroſſer* deins ceo Statute.

Baile.

B*AILE* eſt, quāt un hōe eſt priſe ou arreſt p̄ Felony, ſuſpicion d̄ Felony, indict d̄ Felony, ou aſc̄ tiel caſe, iſſint q̄ il eſt reſtraine d̄ ſon libertie, & eſteant p̄ le Ley bailable, offera Surety al eux q̄

ont auctority d luy Bailer; queux Sureties sont oblige p̄ luy al use le Roy en certain sum̄ d argēt, ou corps p̄ corps, q̄ il appiera devant les Justices d Goal-delivery al prochein Sessions, &c. Donques sur les Bōds d ceux Sureties (come est avantdit) il est bail, cest adire, mis al liberty, tanque le jour appoint p̄ son Appearance.

Manwood in le prim̄ part d son *Forest Ley*, *pag.* 167. dit, Que la est un grad diversity pent *Bail* & *Mainprise*; car cestuy que est mainprise est touts foits dit destre a large, & daler a son liberty demesn̄ hors de gard, puis q̄ il est mis al Mainprise, jesque le jour d son appearāce, p̄ reason d cōmon Sum̄ons, ou auterm̄t. Mes nest issint ou hōe est mis al Bail p̄ quat' ou deux homes, p̄ le Sūr chief Justice ē Eyre del Forest, jesque un certain jour: car la il est touts foits account p̄ le Ley deē en lour gard & custody p̄ le temps, & ils poient, sils voilont, tener luy en gard ou ē prison au ē temps, ou auterm̄t a lour volunt: issint q̄ il q̄ est bail ne serr̄ dit p̄ le Ley deē a large, ou a son liberty demesne.

authority to bail him; which Sureties are bound for him to the King's use in a certain Sum of Money, or Body for Body, that he shall apppear before the Justices of Gaol-delivery at the next Sessions, &c. Then upon the Bonds of these Sureties, as is aforesaid, he is bailed, that is, set at liberty, until the day appointed for his Appearance.

Manwood in the first part of his Forest Law, pag. 167. says, There is a great diversity between Bail and Mainprise; for he that is mainprised is always said to be at large, and to go at his own liberty out of ward, after he is put to Mainprise, until the day of his appearance, by reason of common Summons or otherwise. But it is not so where a man is put to bail by four or two Men, by the Lord chief Justice in Eyre of the Forest, until a certain day; for there he is always accounted by the Law to be in their Ward and Custody for the time; and they may, if they will, hold him in Ward or in Prison til that time, or otherwise at their will: so that he that is bail'd shall not be said by the Law to be at large, or at his own liberty.

Bailement.

B*Ailment* est un Delivery d choses, soyēt ils Escripts, Biens, ou Stuff, al auter asc̄ foits destre redeliver arrere al Bailor, cest adire, al celuy q̄ issint deliver ceo; ascun foits al use del Bailee, cest adire, de luy a q̄ il est deliver; & asc̄ foits auxy il est deliver a un tierce person. Cest delivery est appel un *Bailement*.

Bailement.

BAilement is a Delivery of things, whether Writings, Goods, or Stuff, to another, sometimes to be delivered back to the Bailor, that is, to him that so delivered it; sometimes to the use of the Bailee, that is, of him to whom it is delivered; and sometimes also it is delivered to a third person. This delivery is called a Bailment.

Bailiff.

BAiliff is an Officer that belongs to a Mannor, to order the Husbandry, and hath authority to pay Quit-rents issuing out of the Mannor, fell Trees, repair Houses, make Pales, Hedges, distrain Beasts doing hurt upon the Ground, and divers such like. This Officer is he whom the ancient Saxons called a Reeve, for the name Bailiff was not then known amongst them, but came in with the Normans, and is called in Latin Villicus.

There are two other sorts of Bailiffs, that is, Bailiffs errant, and Bailiffs of Franchises. Bailiffs errant are those that the Sheriff makes and appoints to go about the County to execute writs, to summon the County Sessions, Assises, and such like: Bailiffs of Franchises are those that are appointed by every Lord within his Liberty, to do such Offices within his Precincts, as the Bailiff errant doth abroad in the County. This Bailiff distrains for Amerciaments in Courts held within the Mannor of which he is Bailiff. But if such Court is by Prescription to be held within one month after a Feast, and the Steward holds it after the month, and in this Court assels a Fine or Amerciament, and the Bailiff distrains for it; the party that is so distrained may have an action of Trespass against the Bailiff.

Bailiff.

B*Ailiff* est un Officer que appertient a un Mannor, p̄ order le husbandry, & ad authority d payer Quit-rents issuant hors del Mañor, succider arbres, repair les Measōs, faire pales, hales, distrain avers damage feasant sur le terr̄, & divers tiels semblables. Ceſt Officer est celuy q̄ les anciēt *Saxons* appel un *Reeve*, car le nosme *Bailiff* ne fuit donques conus enter eux, mes vient eins ove les *Normans*, & est appel en Latin *Villicus*.

La sont deux aut' sorts de Bailiffs, ceſt a dire, *Bailiffs errant*, & *Bailiffs de Franchise*. *Bailiffs errant* sont ils q̄ le Vicount fait & design daler environ le County a executer Briefs, a summon le County Sessions, Assises, & tiels semblables. *Bailiffs de Franchises* sont tiels que sont design p̄ chescun Sr̄ deins son Liberty, a faire tiels Offices deins son Precincts q̄ le Bailiff errant fait a large en le County. Ceſt Bailiff distrain p̄ Amerciam̄ts assesse en les Courts tenus deins le Mañor d quel il est Bailiff. Mes si tiel Court est p̄ prescriptiō destr̄ tēus deins un mois apres un Feast, & le Seneschal tient ceo apres le mois, & en ceo Court assesse un Fine ou Amerciam̄t, & le Bailiff distrain p̄ ceo; le party q̄ est issint distrein poit aver un action d Trespas vers le Bailiff.

Bank.

BAnk (in French Banque, i. Mensa) is most usually taken for a Seat or Bench of Judg-

Bank.

B*Ank* (ē Frācois *Banque*, i. *Mensa*) est usualm̄t pris pur un Selle ou Bank de

Jugement, cõe *Bank le Roy, Bank de Common Pleas*, ou *Common Bank*, *Kitchin fol.* 102. appel auxy en Latin *Bancus Regius, & Bancus Communium Placitorum. Cromp. Jur. f.* 67, *&* 91.

Bank le Roy.

Bank le Roy eſt un Court a *Weſtminſter* lou les Pleas del Corone, Debts, Treſpaſſes & perſonel Actions, Errors, *Audita Querela*, &c. ſont determine.

Bankrupt.

Bankrupt, per le Statute 1 *Jac. c.* 15 eſt iſſint deſcribe; touts & cheſcun tiel ꝑſon & ꝑſons, uſãt, ou q̃ uſeroit le Trade d̃ Merchandiſe ꝑ voye d̃ Exchãges, Barterie, Chevisãce, ou autermẽt ẽ groſs, ou ꝑ queront ſon, ſa, ou lour Trade d̃ vivẽr ꝑ emption ou vẽditiõ, & eſteant un ſubject nee d̃ ceſt Realm, ou aſc̃ des dominiõ del Roy, ou denizẽ, q̃ al aſc̃ temps citra le prim̃ jour d̃ ceſt preſẽt Parliam̃t, ou al aſc̃ tẽps ẽ apres depart' a le Royalm, ou comẽence a retaiñ ſon ou ſa meaſon ou meaſons, ou autermẽt d̃ abſent' luy ou ſa meſme, ou prẽdra ſanctuarie, ou ſuffer luy, ou ſa meſme voluntairm̃t deſtre arreſt ꝑ aſc̃ Debt, ou aſcun choſe nient creſſant ou due ꝑ argent deliver, wares vend, ou aſc̃ auter juſt ou loyal cauſe, ou bone conſiderations ou purpoſes, ou ad ou voile ſuffer luy ou ſa meſme deſtre utlage, ou done luy ou ſa m̃ al priſon, ou voluntairm̃t ou fraudulẽtm̃t ad ou porcurera luy ou ſa meſme deẽ arreſt, ou ſes ou ſa biens, argent ou

ment; as Bank le Roy, the King's Bench, Bank d̃ Common Pleas, the Bench of Common Pleas, or Common Bench, Kitchin fol. 102. called alſo in Latin Bancus Regius, and Bancus Communium Placitorum. Cromp. Jur. f. 67, & 91.

King's-Bench.

KIng's-Bench is a Court at Weſtminſter, where Pleas of the Crown, Debts, Treſpaſſes, and perſonal Actions, Errors, Audita Querela's, &c. are determined.

Bankrupt

BAnkrupt, by the Statute 1 Jac. c. 15. is thus deſcribed; All and every ſuch perſon and perſons, uſing, or that ſhall uſe the trade of Merchandiſe by way of Bargaining, Exchange, Barterey, Chevisance, or otherwiſe in groſs, or by ſeeking his, her, or their trade of Living by buying and ſelling, and being a Subject born of this Realm, or any of the King's Dominions, or Denizon, which at any time ſince the firſt day of this preſent Parliament, or at any time hereafter ſhall depart the Realm, or begin to keep his or her houſe or houſes, or otherwiſe to abſent him or her ſelf or take ſanctuary, or ſuffer him or her ſelf willingly to be arreſted for any Debt, or other thing not grown or due for Money delivered, Wares ſold or any other juſt or lawful cauſe, or good conſiderations or purpoſes, or hath or will ſuffer him or her ſelf to be outlawed or yield him or her ſelf to priſon, or willingly or fraudulently hath or ſhall procure him or her ſelf to be arreſted, or his or her Goods, Money or Chat-

tels

tels, to be attached or sequestred, or depart from his or her dwelling-house, or make or cause to be made any fraudulent grant or conveyance of his, her, or their Lands, Tenements, Goods, or Chattels, to the intent, or whereby his, her, or their Creditors, being Subjects born, as aforesaid, shall or may be defeated or delayed for the recovery of their just and true Debt, or being arrested for Debt, shall after his or her Arrest lie in Prison six months or more upon that Arrest or Detention in Prison, such Person, shall be accounted and adjudged a Bankrupt to all intents and purposes. See the Stat. 14 Car. 2. cap. 23. And several other Statutes since.

chattels, destre attach ou sequestre, ou departera d son ou sa meason inhabit, ou faiera ou causera destre fait ascun fraudulent Grant ou Conveyance de son, sa, ou lour Terres, Tenemts, Biens ou Chattels, al entent ou p q son, sa, ou lour Creditors, esteant Subjects nee, come avantdit, serra ou poient estre defeat ou delay p le recovery d lour just & voyer Dett, ou esteant arrest p Dett, apres son ou sa Arrest gisera in prison six moys ou pluis sur cē Arrest, ou ascun auter Arrest ou Detention ē Prison tiel Person, serra accompt & adjudge un *Bankrupt* a chescun intēts & purposes. Veies le Stat. 14 *Car* 2, *c.* 23. Et plusieurs auters deins ceo.

Banneret.

BAnneret is a Knight made in the Field, with the Ceremony of cutting off the point of his Standard, and making it as it were a Banner. And such are allowed to display their Arms in a Banner in the King's Army, as Barons do. And that such were next unto Barons in Dignity, appears by the Statute made in the 5 year of R. 2. Stat. 2. cap. 4. by which Statute it seems, such Bannerets were anciently called by Summons to the Parliament.

Banneret.

B*Anneret* est un Chivaler fait en le Camp, ove le Ceremony del amputer le point d son Standard & feasant ceo sicōe un *Banner*. Et tiels sont allows pur display lour Armes ē un Banner ē le Army le Roy, come Barons font. Et q tiels fueront procheins as Barons en dignity, appiert p le Statute fait ē le 5 an d *R.* 2. *Stat.* 2. *cap.* 4. p quel Statute semble que tiels Bannerets fueront anciently appels p Summons al Parliament.

Banns.

BAnns is a word common and ordinary among the Feodists, and signifies a Proclamation, or any publick Notice given of any thing. Bract l. 3. tra. 2, cap. 21. makes mention

Bannum.

B*Annus sive Bannum* est un parol frequēt & ordinary enter les Feudists, & signifie un Proclamation, ou asc̄ publique notice doñ d asc̄ chose. *Bra. l.* 3. *tra.* 2. *cap.* 21. fait mention

mention d *Banno Regis* p̄ un Proclamation, ou ſilence fait p̄ le Crier devāt le congreſſe des Champions ē un combat. Mes nous noſme ceſt parol *Banns* principalmt p̄ le Publication des Contracts matrimonial en le Eſgliſe devant Marriage.

of Bannus Regis for a Proclamation or ſilence made by the Crier before the meeting of the Champions in a combat. But we uſe this word Banns eſpecially for the Publication of matrimonial Contracts in the Church before Marriage.

Bargain & Sale.

B *Argain & Sale* eſt, quāt un Recompence eſt done p̄ ambideux les parties al Bargain: come ſi un bargain & vend ſon Teſ al aut' p̄ argēt, icy le teſ eſt un Recompēce a luy p̄ le argent, & le argent eſt un Recompence al aut' p̄ le Terre; & ceo eſt un bone Contract & Bargain. Et p̄ tiel Bargain & Sale Terres poient paſſe ſans Livrie de ſeiſin, ſi le Bargain & Sale ſoit p̄ Fait indent, ſeal & inrole, ou en le County lou le terre giſt, ou en un des Courts del Roy de Record al *Weſtminſter*, deins ſize moys prochein apres le date de meſme le Eſcript indent, &c. accordant al Statute en ceo caſe fait en le 27 an. d *H.* 8. *cap.* 16.

Bargain and Sale.

BArgain and Sale is, when a Recompence is given by both the parties to the Bargain: as if one bargain and ſell his Land to another for Money, here the Land is a Recompence to him for the Money, and the Money is a Recompence to the other for the Land; and this is a good Contract and Bargain. And by ſuch a Bargain & Sale lands may paſs without Livery or ſeiſin, if the Bargain and Sale be by Deed indented, ſealed and inrolled either in the County where the Land lies, or in one of the King's Courts of Record at Weſtminſter, within ſix months next after the date of the ſame writing indented, according to the Statute in that behalf made in the 27 year of H 8. cap. 16.

Barcary.

BArcary ſignifie un Farm meaſon cōe ſemble, *Raſt. Ent. Tit. Aſſiſe en corps politiq*; 2 Aſſiſe en Corps politique 2.

Barcary.

BArcary ſignifies a Farm-houſe as it ſeems, Raſt. Ent. Ti

Barmote.

B *Armote* ſont divers Courts nient de Record deins le Hundred del Peak in *Derbyſhire* pur le regulation des Groves, Poſſeſſions & Trade del Miners & Plumb.

Barmote.

BArmote are divers Courts not of Record within the Hundred of the Peak in Derby-ſhire for the regulation of Groves, Poſſeſſions, and Trade of the Miners and Lead.

Baron

Barony.

BArony is a certain Royal Lordship where the King's Writ runneth not, and held of the King. Rast. Ent. Tit. Assise en Office 1.

Barr.

BArr is when the Defendant in any Action pleads a Plea which is a sufficient answer, and destroys the Action of the Plaintiff for ever.

And it may be divided into Barr to common intendment, and Barr special. Barr to common intendment is an ordinary & general Barr, which commonly disables the Declaration or Plea of the Plaintiff. Barr special is that which is more than ordinary, and falls out in the case in question, upon some special circumstance of the fact: As an Executor, being sued for the Debt of his Testator, pleads, That he hath nothing in his Hands at the day of the Writ purchased; this is a good Barr to common intendment, or at first sight: but yet the case may be such, that more Goods may come to his hands after that time, which if the Plaintiff can shew by way of Replication, then, except the Defendant hath a more special Plea or Barr to alledge, he is to be condemned in the Action. See Plow. fol. 26, 28. And in the same sense Bar is also divided into Barr material & special, and Barr at large. Kitch. fol. 68.

Barr is also in regard of the effect divided into Barr perpetual, and Barr temporary. Perpetual is that which overthrows the Action for ever: Tempora-

Barony.

B*Arony est quoddam Dominium regale ubi Breve Domini Regis non currit, & tentum de Domino Rege.* Rast. Ent. Tit. Assise en Office 1.

Barr.

B*Arr* est, quant le Defendant ẽ aſcun Actiõ plede un Plea q̃ est un ſufficiẽt Reſpõs, & adnulle l'Action d̃ Plaintiff a touts jours.

Et ceo poit estre divide en *Barr al common intendment*, & *Barr ſpecial*. *Barr al common intendment* est un ordinary ou general Barr, que communement diſable le Count ou Plea del Plaintiff. *Barr ſpecial* est ceo que est pluis que ordinary, & happa en le caſe en queſtion, ſur aſcun ſpecial circumſtance del fact: Come un Executor, esteant ſue p̃ le Dett de ſon Teſtator, plede, Que il ad riens en ſes maines al jour quant le Brief fuit purchaſe; ceo est un bone Barr al common intendm̃t, ou *prima facie*: mes uncore le caſe poit estre tiel, que pluſors biens poient veñ a ſes maines puis cel temps, que ſi le Plaintiff poit monſtre p̃ voy d̃ Replication, donque ſinon que le Defendãt ad un pluis ſpecial Plea ou Bar d̃ alledger, il est deſtre cõdempne ẽ l'Action. Veies *Plow. fo.* 26, 28 Et en meſme le ſenſe Bar̃ est auxy divide ẽ *Barr material* ou *ſpecial* & *Barr a large*. *Kit f* 68.

Barr est auxy en regard del effect divide ẽ *Barr perpetual*, & *Barr temporary*. *Perpetual* est ceo que quaſh le Actiõ a touts jours: *Temporary*

porary eſt ceō que eſt bone pur le preſent, & puit apres failer: come, *Plene adminiſtravit* eſt bone Barr jeſque puit appearer q̄ pluſors biēs vient puis al maines des Executors: queux auxy tient p̄ le Heir, que en un Action de ſon Anceſtors Dett plede *Riens per diſcent. Veies Brook tit. Barr. nu.* 23.

ry is that which is good for the preſent, and may afterwards fail; as, Fully adminiſtred is a good Barr, until it appear that more Goods came afterward to the hands of the Executors: Which alſo holds for the Heir, who in an Action of his Anceſtors Debt pleads Nothing by diſcent. See Brook Tit. Bar. nu. 23.

Barr fee.

BArr fee eſt un Fee d̄ vint deniers, q̄ chesc̄ Prisōer q̄ eſt acquit d̄ Felony, paiet al Viſcount ou Gaoler: & de ceo veies 21 *H.* 7. 16. *b.*

Barr fee.

BArr fee is a Fee of twenty pence, which every priſoner acquitted of Felony, pays to the Sheriff or Gaoler: Of which ſee 21 *H.* 7. 16. b.

Barretry.

EST un parol uſe en Pollices d̄ Inſurance, & ſignifie diſſentions & quarels enter les Officers & Seamen.

Barretry.

IS a word uſed in Pollicies of Inſurance, and ſignifies diſſentions and quarrels among the Officers and Seamen.

Barretor.

BArretor eſt Common Mover, Excitor, ou Maintainer de Suits, Quarrels, ou parts, ou en Courts, ou en Pays: En Courts d̄ Record, & en le County, Hundred, & aut' inferior Courts: En Pays, en trois manners; primerm̄t, en diſturbance del peace, ſecondm̄t, ē priſel ou deteiner des Poſſeſſions des Meaſons, terr̄, ou biens, &c. q̄ ſont en queſtion ou controverſie, nō ſolem̄t p̄ force, mes auxy p̄ ſubtilty & deceit, & pluiſtoſt en ſuppreſſion de verity & droit; tiercem̄t, p̄ faux invētiō & ſowing d̄ Calumniations, Rumors, & Reports, faiſant diſcord & diſquiet ſurg' inter ſes vicines. Veies plus d̄ ceo, *Co. lib.* 8. *fol.* 36, 37.

Barretor.

BArretor is a Common Mover, Stirrer up, or Maintainer of Suits, Quarrels, parts, either in Courts, or Country: In Courts of Record, and in the County, Hundred, and other inferior Courts In Country in three manners firſt, in diſturbing the peac ſecondly, in taking or detaining the poſſeſſions of Houſe, Land or Goods, &c. that are in queſtion or controverſie, not on by force, but by ſubtilty a deceit, and more uſually in ſuppreſſion of truth and righ thirdly, by falſe inventing a ſowing of Calumnies, Rumo and Reports, making diſco and diſquiet to riſe between Neighbours. See more of th Co. lib. 8. fol. 36, 37.

Barter.

BArter ſeems to come of the French word Barater, which ſignifies to circumvent, and this word is uſed with us for the Exchange of Wares for Wares, and it is mentioned in the Statutes of 1 R. 3 cap. 9. & 13 Eliz. cap. 7.

Baſe Fee.

TO hold in Fee Baſe is, to hold at the will of the Lord. And a Baſe Fee is alſo where any hath an Eſtate in Land ſo long as another ſhall have Heirs of his body, of which Eſtate ſee Plow. in Walſigham's Caſe, fol. 557. a.

Baſtard.

BAſtard is he that is born of any Woman not married, or that his Father is not known by order of Law, and therefore is reputed the Child of the People.

When ſpecial Baſtardy is alledged, it ſhall be tried by the County, and not by the Biſhop. But generally Baſtardy alledged ſhall be tried by Certificate of the Biſhop.

And if a Woman be great with child by her husband, who dies, and ſhe takes another husband, and after the Child is born; this Child ſhall be eſteemed the child of the firſt husband. But if ſhe were privily with child at the time of the death of her firſt husband, then it ſhall be reputed the Child of the ſecond Husband. But enquire farther, and ſee the opinion of Thorp. 21 E. 3. 39.

Barter.

B*Arter* ſemble d vener del Francois parol *Barater* (i. e.) *circumvenire*: & ceſt parol eſt uſe ove nous p le Exchange des Wares pur Wares, & eſt mention en les Statutes 1 *R.* 3. *cap.* 9. & 13 *Eliz cap.* 7.

Baſe fee.

TEner en *Fee Baſe* eſt, a tener a volunt le Seignior. Et un *Baſe Fee* eſt auxy lou aſcun ad Eſtate e terre p cy longe temps come auter avera Heirs d ſon Corps; d quel Eſtate veies *Plow.* en *Walſingham*'s Caſe, *fol.* 557.

Baſtard.

B*Aſtard* eſt celuy que eſt nee de aſcun feme nient eſpouſe, iſſint que ſon pere neſt conus p le order del Ley, & pur ceo il eſt dit *Filius Populi.*

Quant eſpecial Baſtardie eſt alledge, il ſerra trie p le Pays, & nemy p l'Eveſque. Mes generalment Baſtardie alledge ſerra trie p le Certificate del Eveſque.

Et ſi un Feme ſoit groſſe de Enfant p ſa Baron, que moruſt, & el priſt auter Baron, & apres le Enfant eſt nee, ceſt Enfant ſerra dit le Enfant de primer Baron. Mes ſi el fuit privement enſeint al temps del Mort ſa primer Baron, donques il ſerra dit le Enfant de ſecond Baron. Sed quære, & veies le opinion de *Thorp*, 21 *E.* 3 39.

Auxy ſi hõe prent feme que ſoit groſſem̃t enſeint p aſcun auter que ne fuit ſa baron, & apres le Enfant eſt nee deins les Eſpouſals ; dõques il ſerra dit le Enfant d baron, meſque il fuit nee forſque un jour apres les Eſpouſals.

Alſo if a Man take a Wife who is great with Child by another who was not her Husband, and after the Child is born within the Eſpouſals then it ſhall be deemed the Child of the Husband, though it were born but one day after the Eſpouſals ſolemnized.

Baſton.

BAſton eſt un parol Francois, & *ſignificat Baculum* ; mes en nre Statutes eſt priſe p̃ un des Servants del Gardein le Fleet, q̃ attẽd les Courts le Roy ove un color'd Baſton, p̃ le prender d eux al gard que ſont commiſe p le Court, & p̃ le attender ſur eux q̃ eſteants Priſoners ſont permiſes d aler alarge p Licence. Et iſſint eſt uſe en le Statutes 1 *R.* 2. *c.* 12. & 5 *Eliz. c.* 23.

Baſton.

BAſton is a French word, and ſignifies a Staff ; but in our Statutes it is taken for one of the Warden of the Fleet's men that attends the King's Courts with a painted Staff, for the taking of ſuch to ward as are committed by the Court, and for the attending upon ſuch Priſoners as go at large by License. And ſo it is uſed in the Statutes 1 R. 2. c. 12. & 5 Eliz. c. 23.

Battail.

BAttail eſt un anciẽt Trial ẽ noſtre Ley, q̃ le Defendant ẽ un appeal d Murder, Robbery, ou Felõy, poit eſlier ceſtaſcavoir, a combater ove l'Appellant, p̃ proof ſil ſoit culpable del Felony ou non : quel combate ſil ſucceed cybien del part le Defendant, que il vaniſh le Appellant, il alera quit, & luy barrera de ſon Appeal a touts jours. Mes ſi un ſoit indict de Felony, & un Appeal eſt port ſur meſme le Indictment, la le Defendant ne gagera le Battail. Battail auxy poit eſtre eſt un Brief de Droit, come eſt en *Paramour*'s Caſe, *Dyer* 301. *pla* 41, 42. ou les Champions fueront eſlies, & la Battel agard, & les Champions fueront p Main-

Battail.

BAttail is an ancient Trial in our Law, which the Defendant in Appeal of Murder, Robbery, or Felony, may chuſe, that is, to fight with the Appellant, for proof whether he be culpable of the Felony or not : which Combat, if it fall out ſo well on the part of the Defendant, that he doth vanquiſh the Appellant, he ſhall go quit, and barr him of his Appeal for ever. But if one be indicted of Felony, and an Appeal be brought upon the ſame Indictment, there the Defendant ſhall not wage Battail. Battail alſo may be in a Writ of Right, as in Paramour's Caſe, Dyer 301. pla. 41, 42 where the Champions were elected, and the Battail awarded, and the Champions were by Sar-

ties and Oath to perform the Battel at Torchil in Westminster; but by default of appearance in the Demandant nothing was done therein.

Batterie.

BAtterie is an Act that tends to the breach of the peace of the Realm; as when a Man assaults and beats another, this is against the Law and Peace of the Realm, which ordains, That no Man shall be his own Judge, or Revenger of his own private Wrong, but shall leave this to the censure of the Law, which is always ready to hear and redress the rightful and just Complaints of every Man: wherefore he that is so beaten may either indict the other party, who upon it shall be fined to the King, or have his Action of Trespass of assault and Battery against him (for every Battery implies an assault) and recover so much in costs and damages as the Jury will give him by their Verdict; and the Defendant shall upon the Indictment be fined to the King, and the Action of Trespass will lie as well before as after the Indictment. But if the Plaintiff in such Action makes the first Assault, then the Defendant shall go quit, and the Plaintiff shall be amerced to the King for his false Suit. And it is to be observed, that the Record of the Conviction of the party by Indictment may serve for Evidence in the Action of Trespass brought upon the same Assault and Battery.

But notwithstanding that the party shall have a twofold punishment for such offence, that is, shall be punished to the King and

Batterie.

B*Atterie* est un Act que tend al breach del peace del Royalm; sicõe quant un hõe assault & batter un auter, ceo est encounter le Ley & peace del Royalm, le quel ordeigne, Que nul hõe serra son Judge demesne, ou Revẽger de son private tort, mes ceo laisera al censure del Ley, que est touts foits prist de oyer & redresser les droitural & just querels de chescũn hõe: p̄ q̄ cestuy q̄ est issint assault poit ou indicter lauter party, q̄ sur ceo serra fin̄ al Roy, ou aver son Actiõ de Trespass de Assault & Battery vers luy (car chescun Battery imply un Assault) & recover tant en costs & damages q̄ le Jury voile doner a luy p̄ lour Verdit; & le Defendat sur cest Indictm̄t serra fine al Roy, & le Action de Trespass voile giser cybien devãt come apres le Indictment. Mes si le Plaintiff en tiel Action fist le prim̄ Assault, donques le Defendant alera quit, & le Plaintiff serra amerce al Roy p̄ son faux Suit. Et est desire observe que le Record del Conviction del party p̄ Indictment poit serve p̄ evidence en le Action de Trespass port sur mesme le Assault & Battery.

Mes nient obstant que le party avera un double punishm̄t p̄ tiel offence, cest adire, serra punish al Roy &

al

al party; uncore aſcuns y ſont que en reſpect de lour natural, & auters q̄ ē reſpect d̄ lour civil power & auctority ouſter aut', ē un reaſonable & moderate manner poient eux chaſtiſer, correcter, & batter; cōe le Parēt lour Fits, le Maſter ſon Servant ou Apprentice, le Goaler ou ſon Servāt les turbulent priſoners, le Officer ceſtuy q̄ eſt arreſt, & ne voile autermt obeyer. Auxy home poit juſtifie le batture dun auter ē defence d̄ ſon perſon demeſne, ou de le perſon d̄ ſon feme, pere, mieſ, ou maiſter. Et home poit juſtifie le batture d̄ un auter en defence d̄ ſes biens, & en maintenāce d̄ Juſtice. Mes eſt deſtre note, Que en ceux caſes, ſi hōe ne ſoit urge & conſtrain p̄ un neceſſary cauſe, il ne poit juſtifie le fait.

and to the Party; yet ſome there are, who in reſpect of their natural, and others who in reſpect of their civil Power and Authority over others, in a reaſonable and moderate manner may chaſtiſe, correct and beat them, as the Parents their Child, the Maſter his Servant or Apprentice, the Gaoler or his Servant, the unruly Priſoners, the Officer him that is arreſted, and will not otherwiſe obey. Alſo a Man may juſtifie the beating another in defence of his own Perſon, or of the Perſon of his Wife, Father, Mother, or Maſter. And a Man may juſtify the beating of another in defence of his Goods, and in maintenance of Juſtice. But it is to be noted, That in theſe caſes, if a Man be not urged and conſtrained by a neceſſary cauſe, he cannot juſtify the Deed.

Beacons & Seamarks.

SOnt Fews maintain ſur les coaſts del Mere a preventer Shipwracks & Invaſions. *Co. 4. Inſt.* 148. order p̄ Commiſſioners del Roy.

Beacons and Sea-marks.

ARE Fires maintained on the coaſts of the Seas to prevent Shipwracks and Invaſions. Co. 4. Inſt. 148. ordered by the King's Commiſſioners.

Bedell.

B*Edell* eſt derive del Francois parol *Bedeau*, q̄ ſignifie le Meſſēger dun Court, ou un q̄ cite home a ceo p̄ appear & reſponder. Et *Manwood, cap.* 23. *f.* 221. *a.* dit, q̄ un Bedell del Foreſt eſt un Officer q̄ ala p̄ tout le Foreſt, ſemble al ſpecial Bailiff le Viſcount.

Eſt auxy un Collector des Rēts p̄ le Roy. *Plo. Com.* 199, 200.

Bedell.

BEdell is derived from the French word Bedeau, which ſignifies a Meſſenger or an Apparitor of a Court, that cites Men to the Court to appear and anſwer. And Manw. c. 23. f. 221. ſays, That a Bedell of a Foreſt is an Officer that goes through all the Foreſt, like a Sheriff's ſpecial Bailiff.

Is alſo a Collector of Rents for the King. Plo. Com. 199, 200.

Benefice.

BEnefice (Beneficium) is generally taken for an Eccleſiaſtical Living, be it Dignity or other: as An. 13. R. 2. Stat. 2. c. 2. where Benefices are divided into Elective, and of Gift.

Beſaile.

BEſaile is a Writ that lies for the Heir, where his Great-grand-father was ſeiſed the day that he died, or died ſeiſed of Land in Fee-ſimple, and a Stranger enters the day of the death of the Great-grand-father, or abates after his death, the Heir ſhall have this Writ againſt ſuch a Diſſeiſor or Abator: of which ſee Fitz. Nat. Brev. 221. d.

Bewpleader.

BEwpleader is a Writ upon the Statute of Marlebridge, and lies where the Sheriff or other Bailiff in his Court will take Fine of the Party Plaintiff or Defendant, to the end that he ſhall not plead fairly, &c. And the Writ ſhall be directed to the Sheriff himſelf, or to the Bailiff, or him that will demand his Fine, and it is as a Prohibition to him, commanding him that he ſhall not demand ſuch a Fine, and may be ſued thro all the Hundred, or by all the County, (as it ſeems) where he will demand ſuch manner of Fine of them. Fitz. Nat. Brev. 270. a.

Bigamy.

Bigamy was a Counter-plea objected when the Priſoner demanded the Benefit of the Clergy, to wit, his Book, as namely, that he who demands the Privilege of the Clergy,

Benefice.

B*Enefice* (*Beneficium*) eſt generalm̃t pris p̃ aſcun Living Eccleſiaſtiq̃, ſoit Dignitie ou aut': cõe *An.* 13. *R.* 2. *Stat.* 2. *c.* 2. ou *Benefices* ſont deviſe en *Elective*, & d *Don.*

Beſaile.

B*Eſaile* eſt un Brief q̃ giſt p̃ le Heir, lou ſon Beſaile fuit ſeiſie jour que il moruſt, ou moruſt ſeiſie de Terre en Fee-ſimple, & un Eſtrãger enter jour del mort le Beſaile, ou abate apres ſon mort, le Heir avera ceſt Brẽ vers tiel Diſſeiſor ou Abator: & veies d ceo *Fitz. Nat. Brev.* 221. *a.*

Bewpleader.

B*Ewpleader* eſt un Brief ſur le Statute d *Marlebridge*, & giſt ou le Viſcount ou auter Bailiff en ſon Court voile prender un Fine del Party Plaintiff ou Defendant, p̃ ceo que il ne pledera bellement, &c. Et le Brief ſerra direct al Viſcount meſme, ou al Bailiff, ou ceſtuy que voil demand ceſt Fine; & eſt come un Prohibition a luy, commandant luy que il ne demandera tiel Fine, & puit eſtre ſue p tout le Hundred, ou p tout le County, come ſemble, lou il voile demand tiel manner d Fine d eux, *Fitz. Nat. Brev.* 270. *a.*

Bigamie.

B*Igamie* fuit un Counterplea object quant le Priſoner demand le Benefit del Clergie, ceſtaſcavoir, ſon Livre, cõe noſmement, que il que demand le privi-

ledge del Clergie fuit marrie a tiel feme ē tiel Lieu, deins tiel Dioceſſe, & que el eſt mort, & q̄ il ad apres marrie un auter feme deins meſme le Dioceſſe, ou deins aſc̄ auter Dioceſſe, & iſſint *Bigamus*. Ou ſil nad eſte forſque un tēps marrie, dōques adire, q̄ el que il eſpouſe eſt, ou fuit un Vieſe, ceſt adire, la Relict dun tiel, &c. Le quel choſe ſerra trie p̄ le Eveſque de le Dioceſſe ou le Eſpouſels ſont allege. Et eſteant iſſint certifie p̄ le Eveſque, le Priſoner p̄dera le Benefit del Clergie. Mes al cet jour, p̄ force de le Act fait 1 *E.6. c.*12. ceo eſt nul Plea, mes q̄ il puit aver ſon Clergie ceo nient obſtant Iſſint eſt *Brook titulo Clergie, placito* 20. al meſme purpoſe.

By-laws.

By-laws ſont orders faits en Court-Leets ou Court-Barons, p̄ le comon conſent p̄ le bien d̄ eux que ſont les feaſors de eux q̄ ſont appels *By-laws*, *quaſi Birlaws*, ou *Bawrlaws*, de parol Germanois *Bawr*, id eſt, *Ruſticus*; iſſint que *Bawrlaws* ou *By-laws* eſt tant adire com̄ *Leges Ruſticorum*.

Bilinguis.

Bilinguis en general eſt un hōe ove un double lāgue; unc̄ il eſt comuneṁt uſe pur ceſt Jury q̄ paſſont perenter un nome d̄ *Angleterre*, & un Alien d̄ que part covient eē homes de *Angleterre*, & part Eſtragers. Et p̄ ceo eſt enact p̄ le Statute d̄ 28 *E.* 3. *c.* 13. Q̄ ſe ſi aſc̄ debate happa deſtr ſur le packing de Lane de-

was married to ſuch a Woman at ſuch a place, within ſuch a Dioceſs, and that ſhe is dead, and that he hath married another Woman within the ſame Dioceſs, or within ſome other Dioceſs, and ſo is Bigamus. Or if he have been but once married, then to ſay, that ſhe whom he hath married is, or was a Widow, that is, or was the Relict of ſuch a one, &c. which ſhall be tried by the Biſhop of the Dioceſs where the Marriages are alledged. And being ſo certified by the Biſhop, the priſoner ſhall loſe the Benefit of the Clergy. But at this day, by force of the Act made 1 E. 6. cap. 12. this is no Plea, but he may have his Clergy notwithſtanding. So is Brook, titulo Clergie, Placito 20. to the ſame purpoſe.

By-laws.

By-laws, are Orders made in Court-Leets or Court-Barons by a common conſent for the good of them that are the makers of them. And they are called By-laws, quaſi Birlaws, or Bawrlaws, of the Dutch word Bawr, that is, a Country-man, and ſo Bawrlaws or By-laws as much as the Laws of Countrymen.

Bilinguis.

Bilinguis in general is a Man with a double Tongue; but is commonly uſed for that Jury which paſſes between an Engliſhman and an Alien, where part ought to be Engliſhmen and part Strangers. And for this cauſe it is enacted by the Statute of 28 E. 3. cap. 13. That if any variance chance to be about the packing of Wool

foze the Mayoz of the Staple, between the Merchants oz Miniſters of the ſame, thereupon, to try the truth thereof, Enqueſt ſhall be taken: And if the one party and the other be Denizons, it ſhall be tried by Denizons; oz if the one party be Deniſon, and the other Alien, the half of the Enqueſt oz of the proof ſhall be Denizons, and the other half Aliens.

Bill.

BILL is all one with an Obligation, ſaving that when it is in Engliſh, it is commonly called a Bill, in Latin an Obligation. Alſo a Declaration in Writing that expreſſes either the grievance and wzong which the Complainant has ſuffered by the Party complained of, oz elſe ſome fault by him committed againſt ſome Law oz Statute of the Realm. By a Bill we now ozdinarily underſtand a ſingle Bond without a Condition; by an Obligation, a Bond with a Penalty and Condition. Weſt. part 2. Symbol. tit. Supplications, ſect. 52.

Bilaws.

Bllaws, oz rather By-laws, i. e. Laws made obiter, ſuch as are made in Court-Leets, oz Court-Barons, foz the peculiar good of thoſe that make them, further than the Common Law oz Statute Law will bind.

Billa vera.

Illa vera is the Indozſement of the grand Inqueſt upon any Preſentment oz Indictment which they find to be probably true.

vant le Major del Staple, ent' les Merchants ou Miniſters del meſme, ſur ceo, d prover la veritie de ceo, Enqueſt ſerra priſe: & ſi lun partie & lauter ſoit Denizen, il ſerra trie per Denizens; ou ſi lun partie ſoit Denizen, & lauter Alien, le moiety de l'Enqueſt ou del proof ſerra Denizens, & lauter moiety de Aliens.

Bill.

BILL eſt la meſme choſe ove un Obligatiō, forſque quant il eſt en Anglois, il eſt cōmunement appel un *Bill*, en Latin, un *Obligation*. Auxy un Declaration en eſcript, que expreſſe ou le grievance & injury que le Plaintiff ad ſuffer p̄ le partie de q̄ le plaint eſt fait, ou aſc̄ fault p̄ luy commiſe contre aſcun Ley ou Statute de le Royalm. Per un *Bill* nous maintenant entendons un ſingle Bond ſans Condition; p̄ un Obligation, un Bond ove un Penalty & Condit ō. *Weſt. part 2. Symbol. tit. Supplications, ſect.* 52.

Bilaws.

B*llaws*, ou potius *By-laws*, *i. e.* Leys fait *obiter*; ceux que ſont fait en Court-Leets, ou Court-Barons, p̄ le particular profit de ceux que feaſant ceo ouſter q̄ le Cōmon ou Stat. Ley liera.

Billa vera.

B*lla vera* eſt le Endorſem̄t del grand Enqueſt ſur aſcun Preſentm̄t ou Indictm̄t q ils trovont eſtre probablement voyer.

Blackmail.

Blackmail eſt un parol uſe ẽ le Stat. 43 *Fliz. c.* 13. & ſignifie un certain rate des Deniers, Blees, Cattel, ou auter conſideration, done ꝑ les povers homes en le North parts de *Angleterre*, as homes d̃ grand noſme & alliance en ceux parts deſtre ꝑ eux protects del eux q̃ uſualment robbe & embler la.

Blackmail.

Blackmail is a word uſed in the Statute of 43 Eliz. c. 13. and ſignifies a certainty of Money, Corn, Cattle, or other conſideration, given by the poor People in the North of England, to Men of great Name and Alliance in thoſe parts, to be by them protected from ſuch as uſually rob and ſteal there.

Black Rod.

Black Rod eſt le Huiſſier appurtein' a tres Noble Order d̃ Jarter; iſſint appel de la *Black Rod* q̃ il port en ſon main. Il eſt auxy Huiſſier de la Meaſon des Peers en Parliam̃t.

Black Rod.

Black Rod is the Uſher belonging to the moſt Noble Order of the Garter; ſo called of the Black Rod he carries in his Hand. He is alſo Uſher of the Lords Houſe in Parliament.

Bloodwit.

Bloodwit eſt, quietum eſſe de Amerciamentis de Sanguine fuſo; & quæ teneantur Placita in Curia veſtra, habebitis Amerciamenta inde provenientia; quia (*Wit*) en Anglois, eſt *Miſericordia* en Latin.

Bloodwit.

Bloodwit is to be quit of Amerciaments for Blood-ſhedding; and what Pleas are holden in your Court, you ſhall have the Amerciaments thereof coming; becauſe (Wit) in Engliſh, is Miſericordia in Latin.

Bloody Hand.

Bloody Hand eſt l' apprehenſion d̃ un Treſpaſſer en le Foreſt vers Veniſon, ove ſes maines ou aſcun part d̃ luy embrues en ſank, coment q̃ il ne ſoit trove chaſing ou hunting. De quel veies *Man. part* 2. *cap.* 18.

Bloody Hand.

Bloody Hand is the apprehenſion of a Treſpaſſer in the Foreſt againſt Veniſon, with his Hands or other part bloody though he be not found chaſing or hunting. Of which ſee Man. part 2. c. 18.

Bockland.

Bockland en temps de *Saxons* fuit ceo ter̃ q̃ nous a ceo jour appellom̃ Franktenem̃t, ou ter̃ tenus ꝑ Charter; & fuit ꝑ ceo noſme diſtinguiſh del *Folkland*, q̃ fuit ter̃ tenus ꝑ Copy.

Bockland.

Bockland in the Saxons time was that we at this day call Free-hold Land, or Land held by Charter; and it was by that name diſtinguiſhed from Folkland, which was Copy-hold Land.

Bona notabilia.

BOna notabilia is where a Man dies having Goods to the value of five Pound in divers Dioceſſes, then the Archbiſhop ought to grant Adminiſtration; and if any inferior Biſhop do grant it, it is void. 37 H. 6. 27, 28. 10 H. 7. 18. Dyer 305.

Bordlands.

BOrdlands ſignifie the Demeſns which Lords keep in their own hands, for the maintenance of their Bord or Table. Bracton l. 4. Tract. 3. c. 9. num. 5.

Borow.

BOrow (which with us ſignifies an ancient Town, as appears by Littleton, Sect. 164) is a word derived either of the French Burg, id eſt, Pagus, or of the Saxon Borhoe, id eſt, Pignus, for that anciently the Neighbours of a Town became Pledges one for another: and from thence comes Headborow, for the chief Pledge or Borhoe-Aldere, with us now called the Borowholder or Burſholder.

Borow Engliſh.

BOrow Engliſh is a cuſtomary Deſcent of Lands or Tenements in ſome places, whereby they come to the youngeſt Son, or if the Owner have no Iſſue, to his youngeſt Brother, as in Edmunton, Kitchin f. 102.

Borowhead.

BOrowhead. See Headborow.

Bona notabilia.

BOna *notabilia* lou un home devy ayant biens al value de 5 *l.* en divers Dioceſſes, donque le Archieveſque doit commit Adminiſtratiō; & ſi aſcun inferior Eveſque grāt ceo, eſt void. 37 *H.* 6. 27, 28. & 10 *H.* 7. 18. *Dyer* 305.

Bordlands.

BOrdlands ſignifie le Demeſnes que Seigniors tenent en leur maines demeſne, p̄ le maintenance de leur *Bords* ou Tables. *Bracton l.* 4. *Tract.* 3. *c.* 9. *num.* 5.

Borow.

BOrow (q̄ oveſque nous ſignifie un anciēt Ville, cōe appiert p̄ *Littleton*, *Sect.* 164.) eſt un parol derive ou del Francois *Burg*, id eſt, *Pagus*, ou del Saxon parol *Barhoe*, id eſt, *Pignus*, p̄ ceo que en anciēt tēps vicines dun Ville deveignont Pledges lun p̄ lauter; & de ceo venuſt *Headborow*, p̄ le chief Pledge ou *Borhoe-Aldere*, que nous appellomus le Borowholder ou le Burſholder.

Borow Engliſh.

BOrow *Engliſh* eſt un cuſtumary Deſcent del Terres ou Tenements en quelques lieus, p̄ la quel ils vient a la pluis june fits, ou ſi le proprieteur ad nul iſſue, a le pluis june frere; cōe en *Edmunton*, *Kitch. fol.* 102.

Borowhead.

BOrowhead. Vēies *Headborow.*

Bote.

BOte eſt un veil parol, & ſignifie Help, Succor, Aid, ou Advãtage; & eſt cõunemẽt joyn ove un aut' parol, q̃ ſignificatiõ il augmẽt, come ceux, *Bridgebote, Burgbote, Firebote, Hedgebote, Plowbote*, & divers tiels ſemblables, p̃ queux ſignifications veies ẽ lour proper Titles.

Bottomry, vulgo Bomry.

EST quant un Maſter dun Neiſe en caſe de neceſſity gage ceo p̃ dẽyers p̃ le uſe de le Neiſe.

Bribor.

BRibor (Fr. *Bribeur*, i. *Mendicus*) ſemble d̃ ſignifier luy q̃ pilfer les biens des aut' hom̃s. *An.* 28 *E.* 2. *Stat.* 1.

Brief.

BRief (*Breve*) ſignifie plus properment ẽ noſtre Ley, le Proceſs q̃ iſſuiſt hors del Chancery ou auter Court, commandant le Viſc̃ d̃ ſummoner ou attacher *A.* p̃ reſponder al Suit *B. &c.* Mes plus largem̃t eſt priſe p̃ aſcun Precept del Roy en eſcript ſouth Seal, iſſuant hors d̃ asc̃ Court, p̃ q̃ il com̃and aſcun choſe dec̃ fait p̃ le furtherance del Juſtice & bone order. Et ils ſont appel *Briefs* (*Brevia*) p̃ ceo q̃ ils briefm̃t cõprehend le cauſe del Act õ, & rem brevit' enarrãt. Et asc̃ d̃ eux ſont Originals, & asc̃ Judicials, come poies veier alarge en le Regiſter des Briefs.

Ils ſont ſize Briefs en Ley, que poent eſtre maintein p voy de Prevention, devant

Bote.

BOte is an old word ſignifying Help, Succor, Aid, or Advantage, and is commonly joyned with another word, whoſe ſignification it doth augment; as theſe, Bridgebote, Burgbote, Firebote, Hedgebote, Plowbote, and divers other, for whoſe ſignifications look in their proper Titles.

Bottomry, vulgo Bomry.

IS when a Maſter of a Ship in caſe of neceſſity doth engage his Ship for Money for uſe of the Ship.

Bribor.

BRibor (Fr. Bribeur, i. Mendicus) ſeems to ſignifie one that pilfers other Mens Goods. Anno 28 E. 2. Stat. 1.

Brief.

BRief (Breve) ſignifies moſt properly in our Law, the Proceſs that iſſues out of the Chancery or other Court, commanding the Sheriff to ſummon or attach A. to anſwer to the Suit of B &c. But more largely it is taken for any Precept of the King in writing under Seal, iſſuing out of any Court, whereby he commands any thing to be done for the furtherance of Juſtice and good Order. And they are therefore called Briefs, becauſe they briefly comprehend the cauſe of the Action. And ſome of them are Original, and ſome judicial, as you may ſee at large in the Regiſter of Writs.

There are ſix Writs in Law which may be maintained by way of Prevention, before Moleſtation

leſtation, Diſtreſs, or Impleading. A Writ of Meine before he be diſtrained. Warrantia Chartæ, before he be impleaded. Monſtraverunt, before any vexation. Audita Querela, before Execution ſued. Curia claudenda, before default of Incloſure. Ne injuſte vexes, before diſturbance. And theſe are called Writs of Prevention.

Broadhalpeny.

BRoadhalpeny, in ſome Copies Broadhalfpeny, that is, to be quit of a certain Cuſtom exacted for ſetting up of Tables or Boards in Fairs or Markets; and thoſe that were freed by the King's Charter of this Cuſtom had this word put in their Letters Patents: by reaſon whereof, at this day the Freedom it ſelf (for brevity of Speech) is called Broadhalpeny.

Broker.

BRoker ſeems to come of the French word Broieur, id eſt, Tritor, he that grinds or breaks a thing into ſmall pieces. And the true Trade of a Broker, as it appears in the Statute made 1 Jac. c. 21. is to beat, contrive, make and conclude Bargains between Merchants and Tradeſmen. But the word is now alſo appropriated to thoſe that buy and ſell old and broken Apparel and Houſhold-ſtuff.

Brugbote.

BRugbote (and in ſome Copies Bridgebote) is, to be quit of giving aid to the repair of Bridges.

aſcun Moleſtation, Diſtreſs, ou Impleading. Brief de Meſne devant que il ſoit diſtrain. *Warrantia Chartæ*, devant il ſoit implead. *Monſtraverunt*, devant aſcun vexation. *Audita Querela*, devat Execution ſue. *Curia claudenda*, devant default de Incloſure. *Ne injuſte vexes*, devant Moleſtation. Et ceux sōt noſme *Brevia anticipantia*.

Broadhalpeny.

B*Roadhalpeny* en aſcun Copies *Broadhalfpeny*, hoc eſt, *quietum eſſe de quadam conſuetudine exacta pro Tabulis* levie ou boords en Faires ou Markets; & ceux q̄ eſteont enfranchiſed p̄ le Charter le Roy de ceſt cuſtom ont ceſt parol miſe ē lour Let' Patēts: p̄ reaſon d̄ quel, a ceſt jour le Enfranchiſemēt meſme (p̄ le brevity d elocution) eſt appel *Broadhalpeny*.

Broker.

B*Roker* ſemble de vener del parol Francois *Broieur*, *id eſt*, *Tritor* ceſtuy q̄ grinde ou rumper un choſe en petit parcels. Et le voyer office dun Broker, come appiert p̄ le Stat. fait 1 *Jac. c.* 21. eſt de batr̄, contriver, faire & concluder bargains ent Merchants & Tradeſmen. Mes le parol eſt ore auxi appropriate as eux que achate & vende vieux & broken Apparel & Houſhold-ſtuff.

Brugbote.

B*Rugbote* (& en aſcuns Copies *Bridgebote*) *eſt quietum eſſe de auxilio dando ad reficiendum Pontes.*

Bull.

BU L eſt un Inſtrum̃t iſſint appel, grēt p̄ l'Eveſque d *Rome*, enſeal ove un Seal de Plumb, & cōteinent en c̄ ſes Decrees, Comandments, ou aut' Acts, accordant al nature del choſe p̄ que il eſt grant. Et ceux Inſtruments ont eſtre cy devāt uſe & d̄ force en ceſt Terre: mes p̄ le Statute de 28 *H.* 8. *c.* 16. fuit enact, Que touts *Bulls*, Breves, Faculties, & Diſpenſations, de quelque noſme ou nature que il fuit, ad ou obtaine del Eveſque de *Rome*, ſerrōt tout ouſterment void, & del nul effect. Vide *Raſtal.* 328. *C. D.*

Bullion.

B*Ullion* venuſt del parol Francois *Billion*, que eſt le lieu lou Or eſt trie. Et iſſint *Bullion* eſt priſe c̄ les Statutes fait en 27 *E.* 3. *Stat.* 2. *c.* 14. & en 4 *H.* 4. *Stat.* 1. *c.* 10. p̄ le lieu a q̄ Or ou Argent eſt port deſtre trie ou exchange. Mes *Bullion* eſt auxy priſe en le Statute 9 *E* 3. *Stat.* 2. *c.* 2. p̄ Or ou Argent en le Maſſe ou Billet.

Burbreach.

B*Urbreach eſt, quiet' eſſe de Tranſgreſſionibus factis in Civitate vel Burgo contra pacem.*

Burgage.

TEñ c̄ *Burgage*, eſt a teñ ſicome les Burgers teignt d̄ Roy ou d̄ auter Seigñr, Terr, ou Teneñts rendāt a luy un certain Rent p̄ an; ou auterñt lou un auter hõe q̄ Burgers tient dasc̄ Seigñr Terres

Bull.

BULL is an Inſtrument ſo called, granted by the Biſhop of Rome, and ſealed with a Seal of Lead, containing in it his Decrees, Commandments, or other Acts, according to the nature of the thing for which it is granted. And theſe Inſtruments have been heretofore uſed and of force in this Land: but by the Statute of 28 H. 8. c. 16. it was enacted, That all Bulls, Breves, Faculties, and Diſpenſations of whatſoever name or nature that it was had or obtained from the Biſhop of Rome, ſhould be altogether void and of no effect. See Raſtal. 328. C. D.

Bullion.

BUllion comes from the French word Billion, which is the place where Gold is tried. And ſo Bullion is taken in the Statutes made in 27 E. 3. Stat. 2. c. 14. and in 4 H. 4. Stat. 1. c. 10. for the place whither Gold or Silver is brought to be tried or exchanged. But Bullion is alſo taken in the Stat. 9 E. 3. Stat. 2. c. 2. for Gold or Silver in the Maſs or Billet.

Burbreach.

BUrbreach is, to be quit of Treſpaſſes done in City or Borough againſt the Peace.

Burgage.

TO hold in Burgage is, to hold as the Burgers hold of the King, or of another Lord lands or tenements yielding him a certain Rent yearly, or elſe where another Man than Burgers holds of any Lord, Lands

or Tenements in Burgage, yielding him a certain Rent.

Burghbote.

BUrghbote is, to be quit of giving aid to make a Burrough, Caſtle, City, or Walls thrown down.

Burgh Engliſh.

BUrgh Engliſh or Borough Engliſh, is a Cuſtom in ſome ancient Borough, that if a man hath iſſue divers Sons, and dies, yet the youngeſt Son only ſhall inherit, and have all the Lands and Tenements that were his Fathers, whereof he died ſeiſed within the ſame Borough, by deſcent, as Heir to his Father by force of the Cuſtom of the ſaid Borough.

This Tenure is alſo of Copyhold Eſtates by Cuſtom of divers Mannors.

Burglary.

BUrglary is, when one breaks and enters into the Houſe of another in the Night, with felonious intent to rob or kill, or to do ſome other Felony; in which caſes, although he carry away nothing, yet it is Felony, for which he ſhall ſuffer death. Otherwiſe it is if it be in the day-time, or that he break the Houſe in the night, and enter not therein at that time.

But if a Servant conſpire with other Men to rob his Maſter, and to that intent opens his Maſter's Doors and Windows in the night for them, and they come into the houſe by that way; this is Burglary in the Strangers; and the Servant is a Thief, but no Burglar. And

ou Tenemts en Burgage rendant a luy un certain Rent.

Burghbote

B*Urghbote eſt, quietum eſſe de auxilio dando ad facienàum Burgum, Caſtrum, Civitatem, Muros proſtat'.*

Burgh Engliſh.

B*Urgh Engliſh*, ou *Borough Engliſh*, eſt un Cuſtome en un ancient Borough, que ſi un home ad iſſue divers fits, & moruſt, uncore le puiſne fits ſolement inherit', & avera touts les Terres & Tenemts q̄ fueront de ſon pere, & que il moruſt ſeiſie deins meſme le Burgh, per diſcent, cōe Heir a ſon pere, p force del Cuſtome de meſme le Burgh.

Ceo Tenure eſt auxy de Copyhold Eſtates p Cuſtome de divers Mannors.

Burglary.

B*Urglarie* eſt, quant un debruſe & enter en le meaſon d un auter en le nuit, ove felonious intent d robber ou occider, ou d faire auter Felonie; en queux caſes, nient obſtāt il import riens, uncore il eſt Felonie, p̄ q̄ il ſerra pendue. Auterm̄t eſt ſil ſoit en le jour, ou q̄ il debruſe le meaſon en le nuit, & ne entra pas en ceo a ceſt temps.

Mes ſi un Servant cōſpire ove auters de robber ſon Maſter, & a cel entēt il ovre les Doors & Feneſtres de ſon Maſter en le nuit p̄ eux, & ils vient en le meaſon p ceſt voy; ceo eſt Burglarie en les eſtrangers, & le Servant eſt un Laron, mes nemy un Burgler. Et ceo ſuit le opinion

de

de Sir *Roger Manwood*, Chivaler, Seignior chief Baron de le Exchequer, a la Quarter Seſſions tenus en *Canterbury* en *January* 1579. 21 *Eliz.*

this was the Opinion of Sir Roger Manwood, Knight, Lord chief Baron of the Exchequer, at the Quarter Seſſions holden at Canterbury in January 1579. 21 Eliz.

Buttlerage.

EST un veel Duty a Roys de ceſt Royalm p̄ vine import p̄ Aliens. *Mere*, Rep. 833.

Butlerage.

IS an old Duty to the Kings of this Realm for Wine imported by Aliens. Moor, Rep. 833.

C.

C.

Cabliſh.

C*Abliſh* entre les Eſcrivers des les Foreſt Leys, ſignifie *Bruſhwood. Man. p.* 84. *Cromp. Jur. fol.*165.

Cabliſh.

CAbliſh among the Writers of the Forest Laws, ſignifies Bruſhwood. Manw. pag. 84. Cromp. Jur. fol. 165.

Cantel.

C*Antel* ſemble de ſignifier le meſme ove ceo que ore nous noſmes *le Lump*, come a emer p̄ le meaſure ou per le Lump. Veies *Polton* en temps *H.* 3. *E.* 1. ou *E.* 2. *c.* 4 *&* 9.

Cantel.

CAntel ſeems to ſignify the ſame with what we now call Lump, as to buy by Meaſure or by the Lump. See Polton in the time of H. 3. E. 1. & E. 2. cap. 4 & 9.

Cantred.

C*Antred* eſt cy tant en *Gaul* come un *Hundred* en *Angleterre*; car *Cantre* en le Britiſh league ſignifie *Centum.* Le parol uſe *An.* 28 *H.* 8. *c.* 3.

Cantred.

CAntred is as much in Wales as an Hundred in England; for Cantre in the Britiſh tongue ſignifies Centum. The word uſed An. 28 H. 8. c. 3.

Capacitie.

C*Apacitie* eſt, quant home, ou Corps politiq̄ ou corporate, eſt capable a don̄ ou prender ters ou auter choſes, ou a ſuer Action: Sicōe un

Capacity.

CApacity is, when a Man, Body politick or corpore is able to give or take Lands other things, or ſue Action As an Alien born hath ſufficie

Ca

Capacity to ſue in any perſonal Action; but in a real Action it is a good Plea to ſay, he is an Alien born, and pray if he ſhall be anſwered. Dyer f. 3. pla. 8.

If a Man enfeoff an Alien and another Man to the uſe of themſelves, or, &c, it ſeems that the King ſhall have the moiety of the Land for ever, by reaſon of the Incapacity of the Alien. Dyer f. 283. pla. 31.

By the Common Law no Man hath Capacity to take Tithes but Spiritual perſons, and the King, who is a perſon mixt: but a Lay-man, who is not capable of taking Tithes, was yet capable of diſcharge of Tithes at the Common Law in his own Land as well as a Spiritual Man. See Coke l. 2. f. 44.

Cape.

CApe is a Writ judicial touching Plea of Lands or Tenements, ſo called (as the moſt part of Writs are) of that word which in it ſelf carries the eſpecialleſt intention or end thereof. And this Writ is divided into Grand Cape and Petit Cape; both which take hold of things immoveable, and ſeem to differ in theſe Points. Firſt, becauſe Grand Cape lies before Appearance, and Petit Cape after. Secondly, by the Grand Cape the Tenant is ſummoned to anſwer to the default, and after to the Demandant; Petit Cape ſummons the Tenant to anſwer to the default only, and therefore it is called Petit Cape in the Old Nat. Brev. 161, 162. But Ingham ſaith, that it is not called Petit Cape becauſe it is of ſmall force, but becauſe it is a little Writ in words.

Alie nee ad ſufficiēt Capacitie a ſuer ē aſc perſonal Action; mes ē real Actiō eſt bō Plea adiſ, il eſt Alien nee, & prier ſil ſerra reſp'. *Dy. f. 3. pl. 8.*

Si home enfeoffe un Alien & un auter home al uſe de luy, ou, &c. ſemble q̄ le Roy avera le moiety del ter a touts jours, p̄ reaſon del Incapacity del Alien. *Dyer fol.* 283. *pla.* 31.

Per le Common Ley nul home ad Capacity d̄ prender Diſmes forſq̄; Spiritual Perſons, & le Roy, *qui eſt perſona mixta*: mes Lay-home, q̄ neſt capable d̄ Diſmes prender, fait uncore capable d̄ diſcharge d̄ Diſmes al Coñon Ley ē ſon ter demeſne cybiē cōe Spiritual home. Veies *Coke l. 2, f.* 44.

Cape.

C*Ape* eſt un Brief judicial touchat Plea d̄ terres ou Teneñts, iſſint appel (iſcōe les pluſors d̄ Briefs ſont) de ceſt parol q̄ en luy ñ port le pluis eſpecial intētiō ou fine d̄ ceo. Et ceſt Brē eſt divide ē Grād *Cape* & Petit *Cape*; q̄ux ambideux prēdō des choſes iñovables, & ſemble a diſagree ē ceux Points. Primerñt, p̄ ceo q̄ Grad *Cape* giſt devāt Appearāce, & Petit *Cape* puis. Secondñt, p̄ le Grand *Cape* le Tenant eſt ſuñon a reſpond al default, & ouſter al Demandant; Petit *Cape* ſuñon le Tenāt a reſpond al default ſoleñt, & p̄ ceſt appel *Petit Cape* en le *Veil. Nat Brev.* 161, 162. Uncore *Ingham* dit, que il neſt appel Petit *Cape* p̄ ceo q̄ il eſt d̄ petit force, mes p̄ ceo q̄ il eſt petit Brief en parols.

Ceſt

Ceſt Brief ſemble a cõtein ẽ c̃ un Proceſs ove les Civilians appel *Miſſio in poſſeſſionem ex primo & ſecundo Decreto*: Car ſicomle prim̃ Decree ſeiſiſt le choſe,& le ſecõd donaſt ceo d luy q̃ fiſt le ſecond default en ſon Apparance; iſſint ceſt *Cape* ſeiſiſt le ter̃, & auxy aſſign ouſter al party un jour d Apparance, a quel ſil ne vient eins, la ter̃ eſt forfeit. Uncore la eſt difference prẽt' ceux deux Courſes del Comm̃on & Civil Ley; car ceſt *Miſſio in poſſeſſionem* extend a toucher cybien biens movables come immovables, lou un *Cape* extend ſolement al immovables.

This Writ ſeems to contain in it a Proceſs, which the Civilians called Miſſio in poſſeſſiõem ex primo & ſecund' Decreto: For as the firſt Decree ſeizes the thing, and the ſecond gives it from him that made the ſecond default in his Appearance; ſo this Capias ſeizes the Land, and alſo aſſigns over to the party a day of Appearance, at which if he comes not in, the Land is forfeited. Yet there is difference between thoſe two courſes of the Common and Civil Law; for this Miſſio in poſſeſſionem extends to touch as well Goods movable as immovable, where a Cape extends only to the immovable.

Secondment, en ceo, Que le party eſteant ſatisfie de ſon demand, le reſidue eſt reſtore a luy que defaulta: mes p le *Cape* tout eſt ſeiſie ſans reſtitution.

Secondly, in this, That the party being ſatisfied of his demand, the reſidue is reſtored to him that defaulted: but by the Cape all is ſeized without reſtitution.

Tiercem̃t, Ceſtuy eſt al uſe del party agent, le *Cape* eſt al uſe le Roy. Veies *Bract. l.* 5. *tract* 3. *c.* 1. *num.* 4, 5 *&* 6. *Regiſt. Judic. f.* 2. *a.*

Thirdly, That is to the uſe of the party agent, the Cape is to the uſe of the King. See Bract. l. 5. tract. 3. c. 1. num. 4, 5 & 6. Regiſt. Judic. fol. 2. a.

Cape ad Valentiam.

Cape ad Valentiam.

C*Ape ad Valentiam* eſt un Brẽ d Execution, & eſt iſſint define en le *Veil Nat. Brev' f.* 161, 162. Ceſt Brief giſt ou le Tenãt eſt impleade de certain terres,& il vouche a Garrantie un auter, vers que les Summons *Ad warrantizandum* ad eſte agarde, & le Vouchee ne vient eins al jour done: donques ſi le Demandant recover vers le Tenant, il avera ceſt Brief envers le Vouchee, & recovera tant en value de terre del Vouchee, ſil tant ad; & ſil nad tant, donque le Te-

CApe ad Valentiam is a Writ of Execution, and is thus defined in the Old Nat. Brev. f. 161, 162. This Writ lies where the Tenant is impleaded of certain Lands, and he vouches to Warranty another, againſt whom the Summons ad warrantizand hath been awarded, and the Vouchee comes not in at the day given: then if the Demandant recover againſt the Tenant, he ſhall have this Writ againſt the Vouchee, and ſhall recover ſo much in value of the Vouchees land, if he have ſo much; and if he have not ſo much, then the Tenant ſhall

shall have Execution by this Writ of such Lands and Tenements as descend to him in Fee-simple; or if he purchase afterwards, the Tenant shall have against him a Resummons, and if he can say nothing, he shall recover the value.

And know, That this Writ lies before Appearance. Of these and their divers uses, see the Table of the Reg. jud. the word Cape.

nant avera Execution p ceſt Brief de tiels Terres & Tenemts que descend a luy en Fee-simple; ou sil purchase apres, le Tenant avera vers luy un Resummons, & sil riens poit dire, il recovera le value.

Et saches, Que ceſt Brief gist devant Apparance. De ceux & leur divers uses, veies le Table del *Reg. jud.* le parol *Cape.*

Capias.

CApias is of two sorts. The one before Judgment, called Capias ad respondendum, in an Action personal, if the Sheriff return upon the first Writ, Nihil habet in Balliva nostra. And the other is a Writ of Execution after Judgment, which also is of divers natures, viz. Capias ad satisfaciendum, Capias pro fine, Capias utlagatum, Capias utlagatum & inquiras de bonis & catallis, &c. See Tit. Process.

Capias.

C*Apias* est del deux sorts. Lun devant Jugement, appel *Capias ad respondendum*, en un Action personal, si le Viscount sur le primer Brief return, *Nihil habet in Balliva nostra.* Et lauter est un Brief de Execution apres Jugement, que auxy est de divers natures, *viz. Capias ad satisfaciendum, Capias pro fine, Capias utlagatum, Capias utlagatum & inquiras de bonis, catallis, &c.* Veies *Title Process.*

Capias in Withernam de Averiis.

CApias in Withernam de Averiis is a Writ lying for Cattle in Withernam. See Reg. Orig. f. 82, 83.

Capias in Withernam de Averiis.

C*Apias in Withernam de Averiis* est un Brief gisant p̄ avers in *Withernam.* Veies *Reg. Orig. f.* 82, 83.

Capias in Withernam de Homine.

CApias in Withernam de homine is a Writ which lies for a Servant in Withernam. See Reg. Orig. f. 79.

Capias in Withernam de Homine.

C*Apias in Withernam de Homine* est un Brief que gist pur un Servant en *Withernam.* Veies *Reg. Orig. f.* 79.

Capite.

Capite eſt un Tenure q̄ tiēt immediatement del Roy, cōe d̄ ſon Corone, ſoit ceo p̄ ſervice de Chivaler, ou Socage, & nient dasc̄ Honor, Caſtle, ou Mannor; & p̄ c̄ il eſt auxi appel un Tēure q̄ tiēt meremēt del Roy. Car cōe le Corone eſt un Corporation, un Seignry ē groſs; iſſint le Roy q̄ poſſeſs le Corone eſt ē le oyel del Ley p̄petualm̄t Roy, & ne unques eſt en ſon Minority, ou moruſt, nient pluis q̄ *Populus* fait, le authority d̄ queux il port. Veies *Fitz. Nat. Brev. f.* 5. Uncore nota, Que un hōe poit tener del Roy, & uncore nient en *Capite*, ceſt adirq, nient im̄ediatem̄t del Corone en groſs, mes p̄ means daſcun Honor, Caſtle, ou Mañor appurteinā̄t al Corone, d̄ q̄ il tiēt ſa Ter̄. De ceo *Kitchen* bien dit, Que hōe poit ten̄ del Roy p̄ ſerv' d̄ Chival', & unc̄ nient ē *Capite*, p̄ ceo q̄ poit tē q̄ il tient dasc̄ Honor p̄ ſervice de Chival', q̄ eſt ē le mains del Roy, p̄ diſcent d̄ ſon Anceſtors, & niēt im̄ediatem̄t del Roy cōe d̄ ſon Corone. *fol.* 129 Ove que agree *Fitz. Nat. Brev. fol.* 5. *k.* queux parols ſont a ceſt effect; il plainment appiert, q̄ Terres queux ſont tenus del Roy come d̄ un Honor, Caſtle, ou Mannor, ne ſont tenus en *Capite* del Roy, p̄ ceo que un Brief de droit en cel caſe ſerra direct al Bailiff del Honor, Caſtle ou Mannor, &c. Mes quāt les Ter̄ ſont tenus del Roy cōe d̄ ſon Corone, donque ils ne ſont tenus de un Honor, Caſtle, ou Mañor, mes mere-

Capite.

CApite is a Tenure that holds immediately of the King, as of his Crown, be it by Knights Service or Socage, and not of any Honour, Caſtle, or Mannor; and for this it is alſo called a Tenure which holds meerly of the King. For as the Crown is a Corporation, a Seignory in groſs; ſo the King who poſſeſſes the Crown is in the eye of the Law perpetually King, never in his Minority, and dies no more than Populus doth, whoſe authority he bears. See Fitz. Nat. Brev. fol. 5. Yet note, That a Man may hold of the King, and yet not in Capite, that is, not immediately of the Crown in groſs, but by means of ſome Honour, Caſtle, or Mannor belonging to the Crown, whereof he holds his Land. Of this Kitchin ſaith well, That a Man may hold of the King by Knight's ſervice, and yet not in Capite, becauſe it may be he holds of ſome Honour by Knight's ſervice, that is in the King's Hands, by deſcent from his Anceſtors, and not immediately of the King, as of his Crown, fol. 129. With which agrees Fitz. Nat. Brev. fol. 5. k. whoſe words are to this effect; It plainly appears, that Lands which are held of the King, as of an Honour, Caſtle or Mannor, are not held in Capite of the King, becauſe a Writ of Right in this caſe ſhall be directed to the Bailiff of the Honour, Caſtle, or Mannor, &c. But when the Lands are held of the King, as of his Crown, then they are not held of an Honour, Caſtle, or Mannor, but meerly of the

King

king as King, as of his Crown, as of a Seignory of it self in groſs, and the chief of all other Seignories.

And this Tenure in Capite is otherwiſe called Tenure holding of the Perſon of the King. Dyer f. 44. Brook titulo Tenures, num. 65, 99 And yet Kitchin, f. 208. ſaith, That a Man may hold of the Perſon of the King, and yet not in Capite. His Caſe is this, If the King purchaſe a Manor that J. S. holds, the Tenant ſhall hold as he did before, and he ſhall not render Livery, nor primer Seiſin, nor hold in Capite And if the King grants his Manor to W. N. in fee, excepting the ſervices of J. S. then J. S holds as of the Perſon of the King, and yet holds not in Capite, but as he held before. By which it ſeems, that Tenure holding of the Perſon of the King, and Tenure in Capite, are two divers Tenures. To take away which difference, it may be ſaid, That this place of Kitchin is to be taken as if he had ſaid, Not in Capite by Knight's ſervice, but by Socage, following the uſual ſpeech, becauſe moſt commonly, where we ſpeak of Tenure in Capite, we intend Tenure by Knight's ſervice. See the Stat. 12 Car. 2. c. 24. by which all Tenures are now turned into free and common Socage.

Cark.

CArk ſeems to be a quantity of Wool, whereof 30 make a Sarplar. 27 H. 6. cap. 2. See Sarplar.

mt del Roy come Roy, & d ſon Corone, come de un Seignurie de luy meſme en groſs, & le chief de touts auters Seignories.

Et ceſt Tenure en *Capite* eſt auterment appel Tenure tiendrāt del Perſon del Roy, *Dyer f.* 44. *Brook tit. Tenures, num.* 65, 99. Et uncore *Kitch. f.* 208. dit, Que home poit tener del Perſon del Roy, & uncore nient en *Capite*. Son Caſe eſt tiel, Si le Roy purchaſe Mañor que *J. S.* tient, le Tenāt tiendra come il teignoit devāt, & il ne rendra Liverie, ne primꝰ Seiſin, ne tiendra en *Capite*. Et ſi le Roy grāt ſon Mañor al *W. N.* en fee, exceptāt les ſervices de *J. S.* donques *J. S.* tient del Roy cōe del Perſon del Roy, & uncore ne tiēt ē *Capite*, mes cōe il tenoit devāt. Perq̄ il ſemble, q̄ tenure tiendrant del Perſon del Roy, & Tenure ē *Capite* ſont deux divers Teñ. A toller quel differēce poit eē dit, q̄ ceo lieu d *Kitch.* eſt deē priſe cōe ſil ad dit, Nemy en *Capite* p̄ ſervice de Chivaler, mes p̄ Socage, purſuant le uſual parlance, p̄ ceo q̄ pluis communemt, ou nous plerons d Tenure ē *Capite*, nous intendoꝰ Tenure p̄ ſervice d Chivaler. Veies le Stat. 12 *Car.* 2. *c.* 24. per quel touts Tenures ſont ore vert ē frāk & cōe Socage.

Cark.

C*Ark* ſemble deſtre un quantity d Lane, d que troiſieꝰ font un Sarplar. 27 *H.* 6. *c.* 2. Vid. *Sarplar.*

Carno.

CArno eſt un Immunitie, come appiert en *Cromp. Jur. f.* 191. ou eſt dit, Que le Prior de *Malton* fait claim p̄ luy & ſes homes, deē quit d̄ touts Amerciam̄ts deins le Foreſt, & auxy deſtr̄ frank de Scapes, & d̄ touts mañers de Gelds, & d̄ *Pee-gelds*, *Buck-ſtall*, *Trites*, *Carno*, & *Summage*, &c.

Carrack ou Carrick.

CArrack, alias *Carrick*, eſt un Nieſe de faix, & eſt iſſint appel del parol Italinois *Carico* vel *Carco*, id eſt, *Onus*. Ceſt parol eſt mention en le Statute 1 *Jac. c.* 23.

Carue de Terre.

CArue, ou *Carucat de terre*, eſt un certain quantitie d̄ terre p̄ que les Subjects ont eſte cydevāt taxe : ſur q̄ le Tribute iſſint levie eſt appel *Caruage*, *Bract. l.* 2. *c.* 16. *num.* 8. *Littleton. Sect.* 119. dit, que *Soca* eſt meſme ove *Caruca ſc.* un Soke ou Carue. *Stow* ē ſon *Annals*, *p.* 271. ad ceux parols ; Meſme le tēps *H.* le Roy priſt Caruage, ceſt adire, deux Marks dargent d̄ chesc̄ Fee dun Chivaler, al marriage d̄ ſon ſoer *Iſabel* al Emperor. Per q̄ il ſemble que la fuit raiſe de cheſcun Carue d̄ terre tāt, & iſſint p̄ conſequent d̄ cheſcun Fee d̄ Chivaler deux Marks d̄ argent. *Raſt* ē ſon Expoſition d̄ parols dit, q̄ Caruage eſt deſtre quit, ſi le Roy taxera tout le Terre p̄ Carues, ceſt adire, un Privilege p̄ que un hōe eſt exempt d̄ Caruage.

Carno.

CArno is an Immunity, as appears in Cromp. Jurid. f. 191. where it is ſaid, That the Prior of Malton made claim for him and his Men to be quit of all Amerciaments within the Foreſt, and alſo to be quit of Eſcapes, and of all manner of Gelds, and of Foot-gelds, Buck-ſtall, Trites, Carno, and Summage, &c.

Carrack or Carrick.

CArrack, *alias* Carrick, is a Ship of burthen, and is ſo call'd of the Italian word Carico or Carco, which ſignifies a Burthen. This word is mentioned in the Statute, 1 Jac. c. 23.

Carue of Land.

CArue, or Carucate of land, is a certain quantity of land by which the Subjects have been heretofore taxed : whereupon the Tribute ſo levied is called Caruage. Bract. l. 2. c. 16. num. 8. Lit. Sect. 119. ſaith, that Soca is the ſame with Caruca, ſc. a Soke or Plow. Stow in his Annals p. 271. hath theſe words ; The ſame time H. the King took Caruage, that is to ſay, two Marks of Silver for every Knight's Fee, to the marriage of his Siſter Iſabel to the Emperor. By which it ſeems that was raiſed of every Plow-land ſo much, and ſo conſequently of every Knight's Fee two Marks of Silver. Raſtal, in his Expoſition of words, ſaith, that Caruage is to be quit, if the King ſhall tax all the Lands to Plows, that is, a Privilege by which a Man is freed from Caruage.

Skene ſaith, that it contains as great a Portion of Land as may be eyred or tilled in a Year and a day with one Plow; which alſo is called a Hide, or Hide of Land.

Caſtellain.

CAſtellain is a Keeper or Captain, ſometimes called a Conſtable of a Caſtle. Bracton, lib. 5. tra. 2. cap. 16 In the ſame manner it is uſed Anno E. 1. cap. 7. In the Book of Feudis you ſhall find Guaſtaldus to be of like ſignification, but more large, becauſe it is alſo extended to thoſe that have the cuſtody of the King's Manſion-houſes, called Courts, notwithſtanding they are not places of Defence or Force. Manwood, part 1. of the Laws of the Foreſt, p. 113. ſaith, That there is an Officer of the Foreſt called Caſtellanus.

Caſtle-guard.

CAſtle-guard is an Impoſition laid upon ſuch of the King's ſubjects as dwell within a certain compaſs of any Caſtle, for the Maintenance of ſuch as watch and Ward it. Magna Carta, cap. 2. & An. 32 H 8. c. 48. It is ſometimes uſed for the Circuit it ſelf which is inhabited by ſuch as are ſubject to this Service. See Chivalry.

Caſu conſimili.

CAſu conſimili is a Writ of Entry, granted where the Tenant by courteſie, or Tenant for term of Life, or for the Life of another, Aliens in Fee, or in Tail, or for the Life of another. And it hath this name, becauſe the Clerks of the Chancery

S'che dit, que ceo containe cy grand portion de terre q̄ poit eſtre eyred ou tilled en un an & jour ove un Carue, que auxy eſt appel *Hida* ou *Hida terræ*.

Caſtellaine.

CAſtellaine eſt un Keeper ou Captain, aſcun foirs appel un Conſtable de un Caſtle. *Bract. l. 5. tra. 2 c. 16.* En meſme le manner eſt uſe *An 3 E. 1. c. 7.* En les Livers *de Feudis* vous troveres *Cuaſtaldus* deſtre d tiel ſignification, mes pluis large, p̄ ceo q̄ il eſt auxy extend a ceux q̄ ont le cuſtodie d les Manſion-meaſons del Roy, appel Courts, nient obſtant q̄ ils ne ſont lieus d defence ou force. *Manwood, part 1.* del Leys del Foreſt, *p. 113.* dit, que la eſt un Officer del Foreſt appel *Caſtellanus.*

Caſtle guard.

CAſtle-guard eſt un impoſition impoſe ſur tiels Subjects del Roy queux inhabitant deins un certain compas daſcun Caſtle, al maintenace d tielx queux vigilōt & gardont l'Caſtle. *Mag. Chart c. 2. & An 32 H 8. c. 48.* Il eſt aſcun foirs uſe p̄ le Circuit meſme q̄ eſt inhabit p̄ tiels queux ſont ſubject a ceſt Service. Veies *Chivalry.*

Caſu conſimili.

CAſu conſimili eſt un Brief de Entrie, grantus ou le Tenāt p̄ courteſie, ou Tenat p̄ term d vie, ou p̄ auter vie, alien en fee, ou en tail, ou p̄ term dauter vie. Et il ad ceſt noſme, p̄ ceo que les Clerks del Chancery ont ceo frame

p̄ lour com̄on cōſent enſemble al Brief appel *In caſu proviſo*, accordant al auctority done al eux p̄ le Statute de *Weſtminſter* 2. *cap* 24. que voit *Quotieſcunque evenerit in Cancellaria, quod in uno caſu reperitur Breve, & in Conſimili caſu indigente remedio, concordent Clerici de Cancellaria de Brevi faciendo, &c.* Et ceſt Brief eſt grant al ceſtuy en reverſion vers le Party a q̄ le dit Tenant iſſint alien a ſon prejudice, & en le vie del dit Tenant. Veies pluis de ceo, *Fitz. Nat. Brev. fol.* 206.

have framed it by their common conſent like the Writ called In caſu proviſo according to the authority given them by the Stat. of Weſtminſter 2. c. 24. which wills, That as often as it ſhall happen in Chancery, that in one caſe a Writ is found, and in the like caſe a Remedy is wanting, the Clerks of the Chancery ſhould agree to make a Writ, &c. And this Writ is granted to him in reverſion againſt the Party to whom the ſaid Tenant ſo alienedto his prejudice, and in the Life of the Tenant. See more of this Fitz. Nat. Brev. fol. 206.

Caſu proviſo.

Caſu proviſo.

C*Aſu proviſo* eſt done per le Stat. de *Glouceſter*, *c.* 7. Ceſt Brief giſt lou Tenant en Dower alien en Fee, ou a term de vie, ou en tail, la terre que el tient en Dower; ore ceſtuy q̄ ad le Reverſion en Fee, ou en Tail, ou a term̄ de vie, maintenāt avera ceſt Breve vers le Alienee, ou ceſtuy que eſt Tenant del frank-tenement del terre, & ceo durant la vie le Tenant en Dower. *Fitz. Nat. Brev. f.* 205.

CAſu proviſo is given by the Stat. of Gloceſter, c. 7. This Writ lies where Tenant in Dower aliens in Fee, or for Life, or in Tail, the Land which ſhe holds in Dower there he that hath the Reverſion in Fee, or in Tail, or for term of Life, ſhall preſently have this Writ againſt the Alienee, or him that is Tenant of the Free-hold of the Land and that during the Life of the Tenant in Dower. Fitz. Nat. Brev. fol. 205. n.

Catals.

Catals.

C*Atals*, ou *Chattels*, comprehend touts biens movable & immovable, forſque tiels que ſont en nature de Frank-tenement, ou parcel de ceo, cōe poit eſtre collect hors *Stamf. Prærog. cap.* 16. & *an.* 1 *Eliz. c.* 2. Uncore *Kitchin, fol.* 32. dit, Que Money neſt deē account biens ou Catals, ne Eſpervers, ne Chiens, car ils ſont *feræ naturæ*. Mes il ſemble que

CAtals, or Chattels, compreheſ all Goods movable and immovable, except ſuch as are nature of Free-hold, and parc of it, as may be collected of Stam. Prærog. cap. 16. a anno 1 Eliz. cap. 2. Yet Kitc fol. 32. ſaith, That Money not to be accounted Goods Catals, nor Hawks, Hounds, for they are feræ turæ. But it ſeems that ney is not a Chattel, becau

it is not in it ſelf valuable, but rather in imagination than in Deed.

Catals are either real or perſonal. Catals real are either ſuch as do not immediately appertain to the Perſon, but to ſome other thing by way of dependance; as a Box with Writings of Land, the Body of a Ward, the Apples upon the Tree, or the Tree it ſelf growing upon the Ground. Cromp. fol. 33. b. Or elſe ſuch as are iſſuing out of ſome thing immovable to the Perſon, as a Leaſe for Rent or term of Years.

Perſonal may be ſo called in two reſpects. The one, becauſe they belong immediately to the Perſon of a Man; as a Horſe, &c. The other, becauſe when they are wrongfully detained, we have no other means for their recovery but perſonal Actions.

The Civilians comprehend theſe things, and alſo Lands of all Natures and Tenures, under the word Goods, which are by them divided into Movable and Immovable. See Bracton, lib. 3. cap. 3. num. 3, & 4.

Cepi corpus.

CEpi corpus is a Return made by the Sheriff, that, upon an Exigend or other Writ, he has taken the Body of the Party. Fitz. Nat. Brev. fol. 26.

Money neſt Catal, p ceo q̄ neſt de luy m̄ choſe valuable, mes pluis en imagination q̄ en Fait.

Catals ſont ou real ou perſonal. *Catals real* ſont ou tiels que ne apperteinont immediatement al Perſon, mes al aſcun auter choſe p voy de dependance; come un Boxe ove Chartes de Terre, le Corps dun Gard, les Pomes ſur le Arbre, ou l'Arbre meſme creſſant ſur le Terre. *Cromp. f.* 33 *b.* Ou auterment tiels q̄ ſont iſſuant hors daſcun choſe immoveable al Perſon, come un Leaſe pur Rent ou terme d Ans.

Perſonal poient eſtre iſſint appel en deux reſpects. Le un pur ceo que ils appent immediatement al perſon de un home; come un Chival, &c. Lauter, pur ceo q̄ quant ils ſont tortiouſment deteigne, nous ne avom̄ pas aſcun auter means pur lour recoverie forſque p perſonal Actions.

Les Civilians comprehendont ceux choſes, & auxy Terres de touts Natures ou Tenures, deſouth le parol *Bona*, que eſt p eux divide in *Mobilia* & *Immobilia*. Vid. *Bracton, lib.* 3. *c.* 3. *num.* 3, & 4.

Cepi corpus.

C*Epi corpus* eſt un Return fait per le Viſcount, que, ſur un *Exigend* ou auter Brief, il a pris le Corps del Partie. *Fitz. Nat. Brev. fol.* 26.

Certificate.

CErtificate eſt un Eſcript fait en aſcun Court, a doner notice al auter Court daſcun choſe fait la ; come un Certificate del cauſe de Attaint eſt un tranſcript briefment fait p̄ les Clerks del Corone, Clerk del Peace, ou Clerk d̄ Aſſiſe, al Court del Bank le Roy, conteinant le Tenor & Effect d̄ cheſcun Indictment, Utlagarie, ou Conviction, & Clerk attaint, fait ou declare en aſc̄ auter Court.

Mes nota, q̄ ceſt Certificate doit eſtre fait p̄ ceſtuy que eſt l'immediate Officer al Court ; & p̄ ceo ſi le Commiſſario ou Official del Eveſque certifie un Excommengement en barr̄ de un Action al Common Ley, ceo neſt boñ, (come fuit reſolve en *Coke*, *lib.* 8. *fol.* 68.) mes tiel Excommengement doit eſtre certifie p̄ le Eveſque meſme. Uncore le Certificate dun Excommengement p̄ ſpecial Commiſſioners Delegates deſouth ſour common Seal fuit allow, & tenus aſſets boñ ē le Common Bank. *Dyer, fol* 371. *pla.* 4.

Certificate de Aſſiſe.

CErtification d'un Aſſiſe de Novel Diſſeiſin, &c. eſt un Brief agard a re-examine ou reviſer un choſe paſſe p̄ Aſſiſe dvāt aſc̄ Juſtices ; & eſt uſe quant home appiert p̄ ſon Bailiſe al un Aſſiſe port p̄ un aut' & perde le jour, & ayant aſc̄ aut' choſe ouſter a pleade p̄ luy meſme, cōe un Fait d̄ releaſe, ou, &c. q̄ le Bailiff

Certificate.

CErtificate is a Writing made in ſome Court, to give notice to another Court of ſomething done there ; as a Certificate of the cauſe of Attaint is a tranſcript briefly made by the Clerks of the Crown, Clerk of the Peace, or Clerk of Aſſiſe, to the Court of King's-Bench, containing the Tenor and Effect of every Indictment, Outlawry, or Conviction, and Clerk attainted, made or declared in any other Court.

But note, that this Certificate ought to be made by him that is the immediate Officer to the Court ; and therefore if the Commiſſary or Official of the Biſhop certifie an Excommunication in bar of an Action at the Common Law, this is not good, (as was reſolved in Coke lib. 8. fol. 68.) but ſuch Excommunication ought to be certified by the Biſhop himſelf. Yet the Certificate of an Excommunication by ſpecial Commiſſioners Delegates under their Common Seal was allowed, and held good enough in the Common-Pleas. Dyer, fol. 371. pla. 4.

Certification of Aſſiſe.

CErtification of Aſſiſe of Novel Diſſeiſin, &c. is a Writ awarded to re-examine or review a matter paſſed by Aſſiſe before any Juſtices ; and is uſed when a Man appears by his Bailiff to an Aſſiſe brought by another, and loſes the day, and having ſome other matter to plead farther for himſelf, as a Deed of Releaſe, or, &c. which

it

the Bailiff did not plead, or might not plead for him, deſires a better Examination of the Cauſe, either before the ſame or other Juſtices, and obtains Letters Patents, (ſee their form F. N. B. 181.) and then brings a Writ to the Sheriff to call the Party for whom the Aſſiſe had paſſed, and alſo the Jury which was impannelled upon the ſame Aſſiſe, before the ſaid Juſtices, at a day and place certain.

And it is called a Certificate, becauſe therein mention is made to the Sheriff, that upon the Parties complaint of the defective Examination or Doubts remaining yet upon the Aſſiſe paſſed, the King hath directed his Letters Patents to the Juſtices for the better certifying of themſelves, whether all the points of the ſaid Aſſiſe were duly examined or not. See Tit. Trial.

Certiorari.

CErtiorari is a Writ that lies where a Man is impleaded in a baſe Court, that is of Record, and he ſuppoſes that he may not have equal Juſtice there; then upon a Bill in the Chancery, comprizing ſome matter of Conſcience, he ſhall have this Writ to remove all the Record into the Chancery, there to be determined by Conſcience; but if he prove not his Bill, then the other Party ſhall have a Writ of Procedendo, to ſend again the Record into the baſe Court, and there to be determined. And it lies in many other caſes, to remove Records for the King, as Indictments and others.

ne plederoit, ou ne puit pleader pur luy, apris un mieux Examinatiõ del Cauſe, ou devant meſme les Juſtices ou auters, & acquire Letters Patents, (vide lour forme *F. N. B.* 181.) & donque port un Brief al Vicount d appeller le Party p̄ que le Aſſiſe ad paſs, & auxi le Jury que fuit impannel ſur meſme le Aſſiſe, devant les dits Juſtices, a un jour & lieu certain.

Et eſt appel un *Certificate*, p̄ ceo q̄ en ceo mention eſt fait al Vicount, que ſur le Parties complaint del defective Examination, ou awruſt uncore remainant ſur le Aſſiſe paſſe, le Roy ad direct ſes Letters Patents a les Juſtices, p̄ le mieux certification d lour meſmes, ou touts les points del dit Aſſiſe fueront examine ou nemy. Veies Tit. *Trial.*

Certiorari.

C*Ertiorari* eſt un Brief que giſt lou un eſt implead en un baſe Court, que eſt d Record, & il ſuppoſe q̄ il ne poit aver equal Juſtice la; donques ſur un Bill en le Chancery, compriſant aſcun matter en Conſcience, il avera ceſt Brief p̄ remover tout le Record en le Chancery, & la deſtre determine p̄ Conſcience; mes ſil ne prova ſon Bill, donques l'auter Party avera un Brief d *Procedendo*, a remand le Record en le baſe Court, & la deſtre determine. Auxy il giſt ē pluſors auters caſes, pur remover Records pur le Roy come Indictments & auters.

Ceſt Brief eſt auxy grant hors del Court del Bank le Roy ou Common Pleas a remover aſcun Action al eux hors de inferior Courts de Record; & iſſint le Plaintiff doit declare & proceed en le ſuperior Court.

Auxy a certifyer Original Briefs ou proceeds hors dasc̄ Courts d Record en Bank le Roy ou *Nullum tale Recordum* eſt plede.

Auxy ſur Briefs de Error dun Jugement en le Comon Pleas, cheſcun party poit aver ceſt Brief, a remover aſcun Proceedings en Bank le Roy ſur alleger diminution, come appiert, *Coke Ent.* 232, 233, 242. 2 *Cro.* 131, & 479.

This Writ is alſo granted out of the Court of King's Bench or Common Pleas to remove any Action thither out of Inferior Courts of Record; and ſo the Plaintiff muſt declare and proceed in the Superior Court.

Alſo to certify Original Writs or Proceedings out of any Courts of Record into the King's Bench, where Nullum tale Recordum is pleaded.

Alſo upon Writs of Error of a Judgment in the Common Pleas, each Party may have this Writ to bring any of the Proceedings into the King's Bench upon alledging Diminution, as appears, Coke Ent. 232, 233, 242. 2 Cro. 131, & 479.

Ceſſavit.

C*Eſſavit* eſt un Brief que giſt lou mon verie Tenant tient de moy certain Terres ou Tenements, rendant certain Rent per An, & le Rent eſt arrere p̄ deux Ans, & nul ſufficiēt Diſtreſs poit eſtre trove ſur le Teſ; donques jeo avera ceſt Brē, per que jeo recovera le Terre: Mes ſi le Tenant vient en Court devant Jugement, & tendra les Arrerages & les Damages, & trove Surety q̄ il ne ceſſera pluis en payṁt de dit Rent, jeo ſerra compel de prender les Arrerages & les Damages, & donques le Tenāt ne perdera la Terre. Le Heir ne poit maintaine cel Brief pur Ceſſer fait en temps ſon Anceſtor: Auxy ne giſt mes p̄ annual Service, come Rent, & hujuſmodi, & nient pur Homage & Fealty.

Ceſſavit.

CEſſavit is a Writ that lies where my very Tenant holds of me certain Lands or Tenements, yielding certain Rent by the Year, and the Rent is behind for two Years, and no ſufficient Diſtreſs may be found upon the Land; then I ſhall have this Writ, by which I ſhall recover the Land: But if the Tenant come into the Court before Judgment given, and tender the Arrerages and Damages, and find Surety that he ſhall ceaſe no more in payment of the ſaid Rent, I ſhall be compelled to take the Arrerages and the Damages, and then the Tenant ſhall not loſe the Land. The Heir may not maintain this Writ for Ceſſure made in the time of his Anceſtor: And it lies not but for annual Service, as Rent, and ſuch other, and not for Homage and Fealty.

See Fitz. Nat. Brev. fol. 283. Ceſſavit de feodi firma, Reg. Orig. 237. Ceſſavit per biennium, ib. See The new Book of Entries, verb. Ceſſavit.

Veies *Fitz. Nat. Brev fol.* 283. *Ceſſavit de feodi firma, Reg. Orig.* 237. *Ceſſavit per biennium, ib.* Veies *le Novel Livre de Entries, verb. Ceſſavit.*

Alſo there is another Writ called Ceſſavit de Cantaria, which lies where a Man gives Land to a Houſe of Religion, to find for the Soul of him, his Anceſtors, and his Heirs, yearly a Candle or Lamp in the Church, or to ſay Divine Service, feed the Poor, or other Alms, or to do ſome other thing; then if the ſaid Services be not done in two Years, the Donor or his Heirs ſhall have this Writ againſt whoſoever holds the things given after ſuch Ceſſure. See the Statute W. 2. cap. 41.

Auxy il y ad auter Brief appel *Ceſſavit de Cantaria*, & giſt ou un done Terres a Meaſon de Religion, a trover p̄ l'Alme de luy, de ſes Anceſtors, & de ſes Heires, annualment un Chandel ou Lampe en Eſgliſe, ou p̄ faire Divine Service, de paſter les povers, ou auters Almes, ou auter tiel choſe faire; donque ſi les dits Services ne ſont pas fait p̄ 2 Ans, le Donor ou ſes Heires aver ces Brief vers quecunque eſt eins apres tiel Ceſſer. Vide le Statute *W.* 2. *cap.* 41.

Ceſſion.

CEſſion is, when an Eccleſiaſtical Perſon is created Biſhop, or when a Parſon of a Parſonage takes another Benefice without Diſpenſation, or otherwiſe not qualified, &c. In both Caſes their firſt Benefices are become void, and are ſaid to become void by Ceſſion. And to thoſe that he had, who was created Biſhop, the King ſhall preſent for that time, whoſoever is Patron of them: And in the other Caſe the Patron may preſent. See 41 E. 3. 5. & 11 H. 4 37.

Ceſſion.

CEſſion eſt, quant un Eccleſiaſtical Perſō eſt cree Eveſque, ou quant un Parſon d un Parſonage priſt un auter Benefice ſans Diſpenſation, ou auterment nient qualified, &c. En ambideux caſes lour primer Benefices ſont devenus void, & ſont appelle deſtre void per *Ceſſion*. Et al ceux que il ad que fuit cree Eveſque le Roy preſentera pro illa vice, quicunque ſoit Patron de eux: Et en lauter caſe le Patron poit preſenter. Veies 41 *E.* 3. 5. *&* 11 *H.* 4. 37.

Ceſtuy a que vie, & ceſtuy a que uſe.

CEſtuy *a que vie* eſt il pur quel vie un auter teigne un Eſtate, & *ceſtuy a que uſe* eſt il q̄ eſt un Feoffee pur le uſe d un auter.

Challenge.

CHallenge eſt un Exception priſe ou envers Perſons ou Choſes. *Perſons*, come en un Aſſiſe, les Jurors, ou aſcun un, ou pluis de eux; ou en caſe de Felony, p le Priſoner al Barre vers *Choſes*, come un Declaration. *Vet. Nat. Brev. fol. 76.*

Challenge fait a les Jurors eſt fait ou al Array, ou a les Polls *Challenge al Array* eſt, ou Exception eſt priſe al entire nomber, come impanel partialment: *Challenge al ou per le Poll* eſt, ou Exception eſt priſe al aſcun un ou pluis, come nient indifferent. Challenge a les Jurors eſt auxy divide en Challenge principal, & Challenge pur cauſe, ceſt adire, ſur cauſe ou reaſon. *Challenge principal*, ou peremptory, eſt ceo q̄ le Ley allow ſans cauſe alledge, ou examination: come un Priſoner al Barr, arraine ſur Felony, poit peremptoriment challenge al nombre de vint, un apres auter, del Jury impanel ſur luy, nient alledgant dasc̄ cauſe, mes ſon diſlike dc̄eſne, & iis ſerront diſcharge, & novels miſe en lour lieus: & ceo eſt *in favorem vitæ*. Mes c̄ le caſe de hault Treaſon nul peremptory Challenge eſt allow. Vide 25 *H.* 8. *cap.* 3.

Ceſtuy a que vie, & ceſtuy a que uſe.

CEſtuy a que vie, is he for whoſe Life another holds an Eſtate; and ceſtuy a que uſe is he who is a Feoffee for the uſe of another.

Challenge.

CHallenge is an Exception taken either againſt Perſons or Things. Perſons, as in an Aſſiſe, the Jurors, or any one, or more of them; or in caſe of Felony, by the Priſoner at the Bar againſt Things, as a Declaration. Old Nat. Brev. fol. 76.

Challenge made to the Jurors is either made to the Array, or to the Polls. Challenge to the Array is, where Exception is taken to the whole number, as impannelled partially: Challenge to, or by the Poll is, where Exception is taken to any one or more, as not indifferent. Challenge to the Jurors is alſo divided into Challeng principal, and Challenge for cauſe, that is upon Cauſe or Reaſon. Challenge principal, or peremptory, is that which the Law allows without cauſe alledged, or Examination: as a Priſoner at the Bar, arraigned upon Felony, may peremptorily challenge to the number of twenty one after another, of the Jury impannelled upon him, not alledging any cauſe at all, but his own diſlike, and they ſhall be diſcharged, and new put in to their places; and this is in favour of Life. But in the caſe of High Treaſon no peremptory challenge is alledged. See 25

8. cap. 3. And a difference may be obſerved between Challenge principal, and Challenge peremptory, becauſe Challenge peremptory ſeems only to be uſed in matters Criminal, and meerly without any cauſe alledged, more than only the Priſoner's fancy, Seamf. Pl. Cor. fol. 124. and principal for the moſt part in Civil Actions, and with the naming of ſome Exception, which being found true, the Law preſently allows. As for example; if any Party ſaith that one of the Jurors is the Son, Brother, Couſin, or Tenant to the other Party, or married to his Daughter, this is a good and ſtrong Exception, if it be true, without farther examination of the credit of the Party challenged. And of how large extent this Challenge of Kindred is, does well appear in Plow. fol. 425. Alſo in the Plea of the Death of any Man, and in every Action real, and alſo in every Action perſonal, where the Debt or Damages amounts to forty Marks, it is a good Challenge to any of the Jury impannelled, That he cannot diſpend forty Shillings by the Year of his own Free-hold. An. 11. H. 7. cap. 21.

Challenge upon reaſon or cauſe is, when the party alledges any ſuch Exception againſt one or more of the Jurors, which is not forthwith ſufficient upon acknowledgment of the truth thereof, but rather arbitrable, and conſiderable by the reſt of the Jurors; as if the Son of the Juror had married the daughter of the adverſe party. This Challenge for cauſe ſeems to be termed by Kitch. f 92. Challenge for

Et un difference poit eſtre obſerve perenter challenge principal & challenge peremptory, p̄ ceo q̄ challenge peremptory ſemble ſolement deſtre uſe en choſes criminal, & merement ſans aſcun cauſe alledge, pluis q̄ le ſole phantaſie del Priſoner, *Stamf. Pl. Co. f.* 124. & principal p̄ le griender part en civil Actions, & ove le noſmant d̄ aſcun Exception, q̄ eſteāt trove voyer, le Ley maintenant allowe. Cōe p̄ exāple, ſi aſcun party dit q̄ un des Jurors eſt le Fits, Frere, Couſin, ou Tenāt al auter party, ou eſpouſe ſon fi'e, ceo eſt un bone & fort Exception, ſil ſoit voyer, ſans pluis examination del credit del party challenge. Et d̄ q̄ large extent ceſt Challenge d̄ Conſanguinity eſt, bien appiert, *Plow. fol.* 425 Auxy en le Plea del mort de aſcun hōe, & en cheſcun Action real, & auxy en cheſcun Action perſonal, ou le Dett ou Diages amount al 40 Marks, il eſt bone Challenge al aſcun del Jurie impannel, qui il ne poit diſpender 40 *s.* per le An de ſon Franktenement demeſne. *An.* 11. *H.* 7. *caſ.* 21.

Challenge ſur reaſon ou cauſe eſt, quāt le party alledge aſc̄ tiel Exception vers un ou pluis del Jurie, que neſt immediatem̄t ſufficiēt ſur conuſance del voierty de ceo, mes arbitrable & conſiderable p̄ le reſidue d̄ Jurors; cōe ſi le fits le Juror ad eſpouſe le file del adverſe party. Ceſt Challenge pur cauſe ſemble per *Kitch. f.* 92. deſtre dit Challenge pur favor; ou poſ us

Chal-

Challenge p̄ favor eſt la dit deſtre un *Species* d̄ Challenge p̄ cauſe: Ou poies auxy lier queux Challenges ſont communem̄t account p̄ principal, & queux nemy.

Veies *le Novel Livre de Entries, verbo Challenge*, & *Vet. Nat. Brev f.* 158, 159. *Co. Lit.* 156, 157.

favour; or rather Challenge for favour is there ſaid to be a Species of Challenge by cauſe: Where you may alſo read what Challenges are commonly accounted for principal, and what not.

See The Book of Entries, verbo Challenge, and Old Nat. Brev. fol. 158, 159. Co. Lit. 156, 157.

Chamberdekins.

Chamberdekins.

C*Hamberdekins* ſōt *Iriſh* Beggars, que p̄ le Statute de 1 *H.* 5. *c.* 8. fueront p̄ un certain temps, deins meſme le Statute expreſs, d̄ avoid ceſt Terre.

CHamberdekins are Iriſh Beggars, which by the Statute of 1 H. 5. c. 8. were by a certain time, within the ſaid Statute limited, to avoid this Land.

Champertie.

Champertie.

C*Hampertie* eſt un Brief, q̄ giſt lou deux homes ſont impleadants, & l'un done la moietie ou part del choſe ē plee a un eſtranger, pur luy mainteiner ēcounter l'auter; dōques le party grieve avera ceſt Brē devers l'eſtranger. Et ſemble que ceo ad eſte un ancient grievance en noſtre Terre: Car nient obſtant divers Statutes, & un forme d̄ un Brē frame a ceux, uncore *Anno* 4 *E.* 3 *c.* 11. fuit enact, Que ou les primer Statutes provide redreſſe p̄ ceo ſolement en Bank le Roy, que donques attend le Court, il ſerroit loyal pur les Juſtices del common Plees enſement & Juſtices d̄ Aſſiſes en lour Circuits, d̄ enquirer, oyer & determiner ceux & tiels caſes, cybien al Suit le Roy, come al Suit del party. Auy fuit ordeigne p̄ le Statute d̄ 33 *H.* 8. (que fuit confirm p̄ le Statute d̄ 37 *H.* 8. *c.* 7.) Que Juſtices

CHampertie is a Writ that lies where two Men are impleading, and one gives the half or part of a thing in Plea to a Stranger, to maintain him against the other; then the Party grieved ſhall have this Writ againſt the Stranger. And it ſeems that this hath been an ancient grievance in our Realm. For notwithſtanding divers Statutes, and a form of a Writ framed unto them, yet Anno 4 E. 3. c. 11. it was enacted, That where the former Statutes provided redreſs for this only in the King's Bench, which they followed the Court; it ſhould be lawful for the Juſtices of the Common Pleas likewiſe and Juſtices of Aſſiſe in their Circuits, to enquire, hear and determine theſe and ſuch Caſes, as well at the King's Suit as at the Suit of the Party. Alſo it was ordained by the Statute of 33 H 8. (which was confirmed by the Statute 37 H. 8. c. 7.) That Juſtices

Peace

Peace at their Quarter Seſſi-ons ſhould have authority to enquire, as well by the Oaths of 12 Men, as by the inforꝛma-tion given to them by any Per-ſon oꝛ Perſons, of the defaults, Contempts and Offences com-mitted againſt the Laws and Statutes made and pꝛovided touching Champerty, Mainte-nance, &c. and to hear and de-termine the ſaid Faults and Offences.

Champertors are they that made Pleas and Suits, oꝛ cauſe to be moved by their own oꝛ others pꝛocurement, and ſue them at their own Coſts, to have part of the Lands oꝛ Gains in variance. See the Stat. Articuli ſuper chartas, cap. 11.

Chance-medley.

CHance-medley is, when a Man without any evil intent doth a lawful thing, oꝛ that is not pꝛohibited by Law, and yet another is ſlain oꝛ comes to his Death there-by: as if a Man caſts a Stone, which hits a Man oꝛ Woman, who after dies thereof; oꝛ if a Man ſhoots an Arrow, and a-nother that paſſes by is killed, and ſuch like; this manner of killing is Man-ſlaughter by miſadventure, oꝛ Chance-medley, oꝛ which the Offender ſhall have his Pardon of courſe, as appears by the Statute of 6. E. 1. c. 9 and he ſhall foꝛfeit his Goods in ſuch manner as he that kills a Man in his own defence. But in this caſe it is to be conſidered, whether he that commits this Man-ſlaugh-ter by Chance-medley was in doing a lawful thing: foꝛ if the Act was unlawful, as to

del Peace a lour Quarter Seſſions averont authority d̄ enquirer, cybien p̄ les ſereм̄ts d̄ 12 homes, come p̄ l'enformation done a eux per aſcun Perſon ou Perſons, des defaults, contempts & Offences commiſe encount' les Leys & Statutes fait & purview touchant Cham-perty, Maintenance, &c. & a oyer & determiner les dits faults & offences.

Champertors ſont ceux que mova Plees & Suits, ou cauſe deſtre move p̄ lour ou auters procureм̄t, & ſue a lour coſtages & charge demeſne, p̄ aver part del Terre ou Gaines en variance. Veies le Stat. *Articuli ſuper chartas, c.* 11.

Chance-medley.

C*Hance-medley* eſt, quant un home ſans aſcun male entent fait un loyal choſe, ou q̄ neſt prohibit p̄ Ley, & uncore auter eſt tue ou vient a ſon mort p̄ ceo: ſi-come home jet un pierre, que percuſſe home ou feme, que apres de ceo moruſt; ou ſi home ſagitte un fleich, & auter q̄ paſſe eſt occide, & tiels ſemblables; ceſt man-ner d̄ occiſion eſt *Homicide* p̄ miſadventure, ou *Chance-medley*, pur que l'Offendor avera ſon pardon de courſe, come appiert p̄ le Statute d̄ 6 *E.* 1. *c.* 9. & il forfeitera ſes biens en tiel manner come ceſtuy que tuera un home en ſon defence. Mes en ceo caſe eſt deſtre con-ſider, ou ceſtuy q̄ commit ceſt Homicide per Chance-medley fuit ē feaſans d̄ un loyal Choſe: car ſil l'Act

fuit

fuit illoyal, cõe a pugner al Barriers, ou currer a Tilte ſans commandm̃t le Roy, ou jett' pierres en un Hault-voy ou homes uſualment paſſe, ou ſagitant fletches en un Market-lieu, ou tiels ſemblables, p̃ que un home eſt occide ; en touts ceux caſes il eſt Felony al meins, ceſt-aſcavoir, Homicide, ſinon Murder ; car l'Offendor eſteant feaſant de un illoyal act̃ p̃ ſon volunt demeſne, le Ley conſtrua ſon meaning & volunt ẽ c̃ p̃ le ſucces del act̃.

Come ſi deux ſont pugnants enſemble, & un tierce home vient a ſeverer eux, & eſt occide p̃ un de eux deux, ſans aſcun malice prepence ou male entent en luy que occide le home, uncore ceo eſt Murder en luy, &, nemy Homicide per Chance-medley ou Miſadventure, p̃ ceo q̃ ils deux q̃ combateront enſemble fueront en feaſance de un illoyal act̃. Et ſi ils fueront aſſemble ove malice prepenſe, lun intendant de occide lauter, donque il eſt Murder en eux ambieux.

fight at Barriers, or run at Tilt without the King's commandment, or caſt Stones in a High-way where Men uſually paſs, or ſhoot Arrows in a Market-place, or ſuch like, whereby a Man is killed; in all theſe caſes it is Felony at leaſt, that is, Manſlaughter, if not Murther ; for the Offender being doing an unlawful act of his own will, the Law ſhall conſtrue his meaning and will herein by the ſucceſs of the act.

As if two are fighting together, and a third Man comes to part them, and is killed by one of the two, without any Malice fore-thought, or evil intent in him that killed the Man, yet this is Murther in him, and not Manſlaughter by Chance-medley or Miſadventure, becauſe the two that fought together were in doing an unlawful act. And if they were met with prepenſed Malice, the one intending to kill the other, then it is Murther in them both.

Chancery.

C*Hancery* eſt un Court a *Weſtminſter* de Ley pur Suits p̃ & envers Attornies, Clerks, & Officers de cel Court, & ceo part de ceo & auxy inrolm̃ts d Faits & Patents eſt d Record Et eſt auxy un Court p̃ Equity & lour proceedings ẽ ceo ſont enter en Anglois, & le Seignior Chancellor ou Keeper del grand Seal, & Maſter des Rolls ſont Judges, & les Briefs ſont returnable *coram*

Chancery.

CHancery is a Court of Law at Weſtminſter for Suits for and againſt Attorneys, Clerks, and Officers of this Court, this part of it, and alſo the inrolments of Deeds and Patents, is of Record. In there is alſo a Court for Equity, and their proceedings therein are entred in Engliſh, and the Lord Chancellor, or Keeper of the great Seal, and Maſter of the Rolls are Judges, and the Writs are returnable the

cora

oram Rege in Cancellaria. Coke 4. Inſtit. 78, 82.

Rege in Cancellaria. Coke 4. Inſt. 78, 82.

Chancellor of the Dutchy of Lancaſter.

HIS Office is principally in this Court to determine all Controverſies between the King and his Tenants of the Dutchy Lands.

Chapelry.

CHapelry, Capellania, is the ſame thing to a Chapel, as a Pariſh is to a Church. See Stat. 14. Car. 2. cap. 9.

Chapiter.

CHapiter is a Summary or Content of all ſuch Matters as are enquirable before Juſtices in Eyre, Juſtices of Aſſiſe, or of the Peace in their Seſſions: ſo it is uſed 3 E. 1. cap. 27. in theſe words, And that no Clerk of any Juſtice, Eſcheator, or Commiſſioner in Eyre, ſhall take any thing for delivery of Chapiters, but only Clerks of Juſtices in their Circuits; and likewiſe 3 E. 1. cap. 10. in theſe words, And when the time comes, the Sheriff ſhall certify the Chapiters before the Juſtices in Eyre how many Writs he hath. Alſo Britton uſes it in the ſame ſignification, cap. 3. And at this day Chapiters are called Articles, for the moſt part, and are delivered as well by the mouth of the Juſtice in his Charge, as by the Clerks in Writing, to the Enqueſt, where in ancient time they were (after an Exhorta-

Chancellor de Dutchy de Lancaſter.

SON Office eſt principalment en ceſt Court a determiner touts Controverſies enter le Roy & ſes Tenants de Dutchy Terres.

Capelry.

CHapelry, *Capellania*, eſt le meſme choſe al un Chapel, come un Pariſh eſt al un Eſgliſe. Veies *Stat.* 14. *Car.* 2. *cap.* 9.

Chapiter.

CHapiter eſt un Summarie ou Content d touts tiels choſes q̄ ſont deſtre enquire devar Juſtices en Eyre, Juſtices d Aſſiſe, ou del Peace en lour Seſſions: iſſint eſt uſe 3 *E.* 1. *cap.* 27. en ceux parols, Et q̄ nul Clerk daſcun Juſtice, Eſcheator, ou Comiſſioner en Eyre, prendre aſcun choſe p̄ delivery de Chapiters, mes ſolement Clerks de Juſtices en lour Circuits; & enſem̄t 13 *E* 1. *cap.* 10. en ceux parols, Et quant le temps vient, le Vicount certifera les Chapiters devant les Juſtices en Eyre quel nombre des Briefs il ad. Auxy *Britton* en meſme ſignification uſe ceſt parol. *c.* 3. Et a ceſt jour Chapiters ſont appelles Articles, pur le greind' part, & ſont deliver cybien per la bouche del Juſtice en ſon Charge, cōe p̄ les Clerks en eſcript, al Enqueſt, ou en ancient temps ils ſueront (apres un Exhor-

Exhortation done p les Justices p̄ le bone observation del Leys & Peace del Roy) primerm̄t lie distinctm̄t & apertm̄t en le plein Court, & donque deliver en escript al grand Enqueſt. Un example d ceux Chapters la eſt en le Livre d *Aſſiſes, fol.* 138. *pla.* 44.

tion given by the Juſtices, for the obſervation of the Laws of the King's Peace) firſt read diſtinctly and openly in the full Court, and then delivered in writing to the grand Inqueſt. An example of theſe Chapiters there is in the Book of Aſſiſes, fol. 138. pla. 44.

Chaplain.

Haplain eſt celuy q̄ fait Divine Service en un Chappel, & pur ceo eſt communement uſe p̄ celuy q̄ depend ſur le Roy ou auter home d qualitie, p̄ l'enſtruction d luy & ſon Familie, le lection d Oriſons & Sermons ē ſon private meaſon, ou communement ils ōt un Chappel p̄ cel purpoſe.

Et pur ceo que ils ſont reteine p Letters deſouth le Signet d lour Patrons, & p ceo ſont p entendment deſtre reſiant ove eux, le Ley ad done libertie pur lour Non-reſiance ſur lour Benefices.

Si un Count ou Baron reteigne un Chaplein, & devant ſon advancement ſoit attaint d Treaſon la le Reteigner eſt determine, & apres l'Attainder tiel Chaplein ne poit accept un ſecōd Benefice, p̄ ceo q̄ ceſtuy q̄ eſt attaint eſt p ſon Attainder un mort perſon en Ley. Et queux perſons de Nobilitie & auters poient reteiner, & quant Chapleins ils ſeveralm̄t poyēt reteine, l'Act de 21 *H.* 8. *c.* 13. bien declare.

Chaplain.

CHaplain is he that performs Divine Service in a Chappel, and therefore is commonly uſed for him that depends upon the King or other Man of worth, for the inſtruction of him and his Family, the reading of Prayers and Preaching in his private Houſe, where uſually they have a Chappel for that purpoſe.

And for that they are retained by Letters under the Seal of their Patron, and thereby by intendment are to be reſident with them, the Law hath given liberty for their Non-reſidency upon their Benefices.

If an Earl or Baron retains a Chaplain, and before his advancement is attainted of Treaſon, there the Retainer is determined, and after the Attainder ſuch Chaplain cannot take a ſecond Benefice, becauſe he that is attainted is by his Attainder a dead Perſon in Law. What and how many Chaplains Noblemen and others may reſpectively retain, the Statute of 21 H. 8. c. 3 doth well declare.

The Wife of a Baron during the Coverture cannot retain a Chaplain; yet when a Baronnels Dowager retains one or two, according to the Proviſo of the ſaid Statute, the Retainer is the principal matter, and as long as the Retainer is in force, and the Baronnels continues a Baronnels, the Chaplains may well take two Benefices by the expreſs letter of the Statute; for it ſuffices, if at the time of the Retainer the Baronnels were a Widow. And herein this Rule is to be obſerved of a Woman that attains Nobility by Marriage, as by marriage of a Duke, Earl, or Baron, &c. for in ſuch caſe, if ſhe afterward marry under the degree of Nobility, by ſuch Marriage ſhe loſes the Dignity ſhe had attained, and after ſuch latter Marriage the power to retain a Chaplain is determined. But otherwiſe it is where a Woman is Noble by Deſcent, for there her Retainer before or after the Marriage with one that is not Noble ſhall be in force, and is not countermanded by the Marriage, nor determined by her taking a Huſband under her Degree. Coke lib. 4. fol. 118, 119.

La feme d̄ un Baron durāt le Coverture ne poit reteigne un Chaplein, uncore quant un Baroneſſe dotate reteigne un ou deux, ſolonque le Proviſo del dit Act, ceſt reteigner eſt le principal matter, & cy longe come le Reteigner eſt en force, & le Baronneſſe continue un Baronneſſe, les Chapleins bien poyent accept' deux Benefices p̄ lexpreſſe letter del Act; car il ſuffiſt, ſi al temps del Reteigner le Baronneſſe fuit Widow. Et en ceo ceſt rule eſt deſtre extend d̄ un feme q̄ atteigne Nobilitie p̄ Marriage, come per marriage de un Duke, Count, ou Baron, &c. car en tiel caſe, ſi el apres marrie deſouth le degree de Nobilitie, p̄ tiel Marriage el perde le dignitie a que el ad attaine, & apres tiel darreigne Marriage le poyar de reteiner un Chaplein eſt determine. Mes auterment eſt ou feme eſt Noble p̄ Diſcent, car la ſa Reteigner devant ou apres le Marriage ove un que eſt ignoble ſerra en force, & nemy countermaund per le Marriage, ne determine per ſa priſel de un Baron deſouth ſa degree, *Coke lib.* 4. *fol.* 118, 119.

Chapter.

CHapter in Latin is defined to be An Aſſembly of Clerks in a Church-Cathedral, conventual, regular, or Collegiate; and to another ſignification, A place wherein the Members of that Community treat of their common Affairs: And it hath other ſignifications which appertain

Chapter.

CHapter en Latine eſt define deſtre *Congregation' Clericorum in Eccleſia Cathedrali, conventuali, regulari, vel Collegiata*; & en auter ſignification, *Locum in quo fiunt communes tractatus Collegiatorum:* & il ad auters ſignifications q̄ ne pas appent a noſtre

noſtre purpoſe. Poit eſtre dit q̄ ceſt collegiate Society eſt appel *Chapter* metaphorice, le parol originalment implionts un *petit Teſte*; car ceſt Society ou Corporation eſt ſicõe un Teſte, non ſolement a garde & governe le Dioceſſe en le vacation del Eveſquery, mes auxy ẽ pluſors choſes d̄ adviſer l'Eveſq̄ quant le See eſt pleine.

not to our purpoſe. It may be ſaid that this collegiate Company is termed Chapter metaphorically, the word originally implying a little Head; for this Company or Corporation is as a Head, not only to rule and govern the Dioceſs in the vacation of the Biſhoprick, but alſo in many things to advise the Biſhop when the See is full.

Charge.

CHarge eſt lou un home granta un Rent iſſuant hors de ſon terre, & q̄, ſi le Rent ſoit arere, q̄ ſerra loyal a luy, ſes Heirs & Aſſigns, a diſtreine tanque le Rent ſoit pay: ceſt appel un *Rent-charge*. Mes ſi un grant un Rent-charge hors del terre d̄ un auter, coment puis il purchaſe la terre, uncore le Grant eſt void.

Charge.

CHarge is where a man grants a Rent iſſuing out of his Land, and that, if the Rent be behind, it ſhall be lawful for him, his Heirs and Aſſigns, to diſtrain till the Rent be paid: this is called a Rent-charge. But if one grant a Rent-charge out of the Land of another, though after he purchaſe the Land, yet the Grant is void.

Charta Pardonationis ſe defendendo.

CEO eſt un form de Pardon p̄ tuer de un auter home en ſon defence demeſne. *Reg. Orig. fol.* 287.

Charta Pardonationis ſe defendendo.

THIS is a form of Pardon for killing another Man in his own defence. Reg. Orig. fol. 287.

Charter-terre.

CHarter-terre eſt tiel que home tient p̄ Charter, ceſt adire per Evidence en eſcript, que auterment eſt appel Franktenement. Copihold terres devant le Conqueſt fueront p̄ les *Saxons* appel *Folkland*, & les Charter-terres, *Bockland*. Et *Lambert*, en ſon Explication de *Saxon* parols, dit, Que ceſt terre fuit tenus ove pluis facile & commodious cõditions q̄ Folkland ou Copihold

Charter-Land.

CHarter-land is ſuch as a Man holds by Charter, that is by Evidence in writing, which otherwiſe is called Free-hold. Copyhold-lands before the Conqueſt were by the Saxons called Folkland, and the Charter-lands Bockland. And Lambert in the Explication of Saxon words, ſaith, That the Land was held with more eaſie and commodious conditions, than Folkland and Copyhold-land held without writing

ting: And his reaſon is, becauſe it is a free and abſolute Inheritance; whereas Land without Writing is charged with Payment and Bondage; ſo that for the moſt part Noblemen and Perſons of Quality poſſeſs the former, and Ruſticks the other. The firſt we call Free-hold and by Charter; the other, Land at the will of the Lord.

If a Riot, Rout, or unlawful Aſſembly be committed, then by the Statute of 19 H. 7. c. 13. twenty Men inhabiting within the County where the Riot, &c. is made (whereof every of them ſhall have Lands and Tenements within the ſame County to the yearly value of twenty Shillings of Charter-hold or Free-hold, or twenty ſix Shillings of Copy-hold) ſhall make enquiry thereof.

Charter-party.

CHarter-party is an Indenture of Covenants and Agreements made between Merchants or Mariners concerning their Sea-affairs: and of this you may read in the Statute, now out of uſe, made 32 H. 8. cap. 14.

Charters.

CHarters of Lands are Writings, Deeds, Evidences, and Inſtruments, made from one Man to another, upon ſome Eſtate conveyed or paſſed between them of Lands or Tenements, ſhewing the names, place, and quantity of the Land, the Eſtate, time and manner of the doing thereof, the Parties to the Eſtate, delivered and ta-

terre tenus ſans Eſcript: Et ſon reaſon eſt, p̄ ceo q̄ il eſt un frank & immune Inheritance, ou terre ſans eſcript eſt charge ove payms & ſervitude; iſſint q̄ le greind' part d̄ hōes d̄ Nobilitie & bone Qualitie poſſeſſont le primer, lauter Ruſtick hōes. Le primer nous appellomus Franktenemt, & p̄ Charter; lauter, Terre al volunt del Seignior.

Si Riot, Rout, ou illoyal Aſſembly ſoit commiſe, donques per le Act de 19 *H.* 7. *cap.* 13. vint homes inhabitant deins le County ou le Riot, &c. eſt fait (de que cheſcun de eux avera Terres & Tenements deins meſme le County al annuel value de vint ſoulz de Charter-hold ou Franktenement, ou vint & ſiz ſoulz de Copihold) ferront enquiry de ceo.

Charter party.

C*Harter-party* eſt un Indenture des Covenants & Agreements faits enter Merchants ou Mariners touchāt lour maritime affairs: & d ceo poyez lier en le Statute, ore obſolete, fait 32 *H.* 8. *cap.* 14.

Charters.

C*Harters* de Terres ſont Eſcripts, Faits, Evidences & Inſtruments, fait de un home al auter, ſur aſcun Eſtate conveyed ou paſſed parenter eux de Terres ou Tenements, monſtrant les noſmes, lieu, & quantitie del Terre, le Eſtate, remps & manner del feafans de ycel, les Parties a l'Eſtate, deliver

& prise, les Tesmoignes present al ceo, ove auters circumstances.

Chartis reddendis.

Chartis reddendis est un Brief q̄ gist envers luy q̄ ad Charters del Feoffment deliver al luy p̄ conserve, & il refuse deliver ceux. *Veil Nat. Brev. fol. 66. Reg. Orig. fol. 159.*

Chase.

Chase est prise deux voyes: primerment, a driver Cattel, sicome a chaser un distress a un Fortlet; secondement, est use p̄ un Receit p̄ Dames & Avers del Forest: & est dun nature parent' un Forest & un Park, esteant comunement meins q̄ un Forest, & nemy endow ove touts Liberties, cōe ove Courts de *Attachment*, *Swainmote*, & *Justice seat*; & unc̄ dun pluis large compass, & ayant pluis diversitie del Gardians & Game que un Park. *Crompt.* en son Livre de Jurisdictions, *f.* 148. dit, Que un Forest ne poit estre en les maines dun Subject, mes il immediatement perde le nosme, & deviēt un Chase: & uncore *f.* 197. il dit, Que un Subject poit estre Sr̄ & owner dun Forest; le quels niēt obstāt q̄ semble cōtrary, unc̄ sont ambideux ses disats en asc̄ sense voyer: car le Roy poit done ou aliener un Forest a un Subject, uncore issint q̄ quāt il est un foits ē le Subject, il perde le voyer propertie dun Forest, p̄ ceo q̄ les Courts de *Swainmote*, *Justice seat* & *Attachment*, immediatemt vanie, nul esteant

ken, the Witnesses present at the same, with other circumstances.

Chartis reddendis.

Chartis reddendis is a Writ which lies against him that has Charters of Feoffment delivered him to be kept, and refuses to deliver them. Old Nat. Brev. fol. 66. Reg. Orig. fol. 159.

Chase.

Chase is taken two ways first, to drive Cattel, as t chase a Distress to a Castle secondly, for a Receit for Dee and Beasts of the Forest: an it is of a middle nature b tween a Forest and a Park being commonly less than Forest, and not endued wi so many Liberties, as wi Courts of Attachment, Swai mote, and Justice seat; a yet of a larger compass, a having greater diversity Keepers and Game than Park. Crompt. in his B of Jurisdictions, fol. 148. sai That a Forest may not in the Hands of a Subj but it presently loses name, and becomes a Cha and yet fol. 197. he sa That a Subject may be and Owner of a For which though they seem tradictory, yet are both sayings in some sense t For the King may gi alienate a Forest to a S ject, yet so, that when once in the Subject, it the true Property of a rest, because the Court Swainmote, Justice Seat Attachment, presently va none being able to ma

Lord chief Juſtice in Eyre of the Foreſt but the King, as Manwood hath well ſhewed, in his Book of Foreſt Laws, cap. 3 & 4. Yet it may be granted in ſuch large manner, that there may be Attachment and Swainmote, and a Court equivalent to a Juſtice ſeat, as appears by him in the ſame Chapter, num. 3. So that a Chaſe differs from a Foreſt in this, becauſe it may be in the Hands of a Subject, which a Foreſt, in its proper nature, cannot be; and from a Park in this, that it is not incloſed, and hath not only a larger compaſs, and more ſtore of Game, but of Keepers alſo and Overſeers. See Foreſt.

able de faire un Sñr chief Juſtice en Eyre del Foreſt forſque le Roy, ſicome *Manwood* ad bien monſtre en ſon Livre de *Foreſt Leys c.* 3 & 4. Uncore poit eſtre grantus en tiel large manner, que la poit eſtre *Attachment* & *Swainmote*, & un Court equivalent a un *Juſtice ſeat*, come appiert p luy ẽ meſme le Chapter, *num.* 3. Iſſint q̃ un Chaſe differt de un Foreſt en ceo, p̃ ceo que poit eſtre en les maines dun Subject, q̃ un Foreſt en ſon proper & voyer nature ne poit eſtre; & de un Park en ceo, q̃ neſt incloſe, & ad non ſolement un pluis large compaſs, & pluis ſtore de Game, mes de Gardians auxy & Superviſors. Vide *Foreſt.*

Chatels.

CHatels. See Catals.

Chauntry.

CHauntry is a Church or Chappel indued with Lands or other yearly Revenues for the Maintenance of one or more Prieſts, to ſing Maſs daily for the Souls of the Donors, and ſuch others as they appoint. And of theſe you may read in the Statutes made 37 H. 8. c. 4. & 1 E. 6. cap. 14.

Chevage.

CHevage is a ſum of Money paid by Villains to their Lords in acknowledgment of their Slavery, which Bracton, lib. 1. cap. 10. thus defines; Chevagium dicitur recognitio in

Chatels.

C*Hatels* Veies *Catals.*

Chauntry.

C*Hauntry, Cantaria*, eſt un Eſgliſe ou Chapel endow ove terres ou auter annual Revenews p̃ le Maintenance dun ou pluſors Prieſts, de chaunter Maſſe de jour en jour pur les Ames des Donor, & tiels auters que ils appoint. Et de ceux poyes lier en les Statutes 37 *H.* 8. *c.* 4. *&* 1 *E.* 6. *c.* 14.

Chevage.

C*Hevage* eſt un ſum de argent pay p̃ Villeins a lour Sñrs en conuſans d lour Villenage, le quel *Bract. l.* 1. *c.* 10. iſſint define en Latin; *Chevagium dicitur recognitio in*

ſignum ſubjectionis & dominii de capite ſuo. Semble auxy deſtre uſe p̄ un ſumme de argent done p̄ un home al auter de poyer & potentia p̄ ſon avowment, maintenance & protection, ſicome a lour Teſte ou Conductor. *Lambert* ceo eſcrie *Chivage*, ou potius *Chiefage*.

ſignum ſubjectionis & dominii de capite ſuo. It ſeems alſo to be uſed for a ſum of Money given by one Man to another of power and might for his avowment, maintenance and protection, as to their Head and Leader. Lambert writes it Chivage, or rather Chiefage.

Cheviſance.

CHeviſance venuſt del parol Francois *Chevir*, id eſt, devener al Chief de quelque choſe. Et pur ceo que le perfection dun Bargaine eſt le porter del matter al fine, ceo parol *Cheviſance* eſt uſe p̄ Bargainer en le Statutes 37 *H.* 8. *cap.* 9. *&* 13 *Eliz. cap.* 7 *&* 8.

Cheviſance.

CHeviſance comes from the French word Chevir, that is, to come to the End or Head of a buſineſs. And becauſe the perfecting of a Bargain is the drawing of the matter to the head, this word Cheviſance is uſed for bargaining in the Statutes of 37 H. 8. cap. 9. & 13. Eliz. cap. 7 & 8.

Childwit.

CHildwit, *hoc eſt, quod capiatis Geruſumam de nativa veſtra, corrupta & prægnata ſine licentia veſtra.*

Childwit.

CHildwit, that is, that you may take a Fine of your Bondwoman, defiled and gotten with Child without your licenſe.

Chimin.

CHimin eſt le Haut-voy lou cheſcun home paſſa, q̄ eſt appel *Via Regia*; & uncore le Roy nad auter choſe la forſque le paſſage p̄ luy & ſon People; car le Frāktenement eſt en le Seignior del ſoile, & touts les Profits creſſans la, come Arbres & auters choſes. Et ceo eſt divide en deux ſorts, *Via Regia*, de que eſt parle devant, & *Via privata*, ou *Chiminus privatus*; & ceo eſt un Voy p̄ q̄ un home ou pluis ont libertie a paſſer, ou p̄ preſcription, ou p̄ charter, ſur le terre dun auter hōe: & ceo eſt divide en Chimin

Chimin.

CHimin is the High-way where every Man goes, which is called Via Regia; and yet the King hath no other thing there but the paſſage for him and his People; for the Free-hold is in the Lord of the Soil, and the Profits growing there, as Trees and other things. And it is divided into two ſorts, the King's way, of which is ſpoken before, and a private Way, or private Paſſage; and this is the Way by which one Man or more have liberty to paſs, either by preſcription, or by writing, through the Land of another: And this is divided into a

Way

Way in groſs, and a Way appendant, Kitch. f. 177. Chimin in groſs, is that Way which a Man holds principally and ſolely in it ſelf: Chimin appendant is that which a Man hath adjoyned to ſome other thing, as appertaining thereunto; for example, if a Man hires a Cloſe or Paſture, and hath a Covenant for ingreſs and egreſs, to and from the ſaid Cloſe, through the Ground of ſome other, through which otherwiſe he might not paſs. Or a Way in groſs may be that which the Civilians call Perſonal; as when one covenants for a Way through the Ground of another Man for himſelf and his Heirs: A way appendant on the other ſide, may be that which they call Real, as when a Man purchaſes a Way through the Ground of another Man, for ſuch as do or ſhall dwell in this or that Houſe, or that are the Owners of ſuch a Mannor, for ever.

Chiminage.

CHiminage is a Toll paid for a Mans paſſage through a Foreſt, to the diſquiet of the wild Beaſts of the Foreſt.

Chirographer.

CHirographer is he that in the Common-Bench-Office, ingroſſes Fines acknowledged in that Court into a perpetual Record, (after they are acknowledged and fully paſſed by thoſe Officers by whom they are firſt examined) and that writes and delivers the Indentures, one for the Buyer, and another for him that ſells, and makes another indented piece, containing

en groſs, & Chimin appendant, *Kitch. fol.* 177. *Chimin en groſs*, eſt ceo Voy que home tient principalment & ſolement en luy meſme: *Chimin appendant* eſt ceo q̄ home ad adjoine a aſcun aut' choſe, come apperteinant a ceo; pur example, ſi home priſt un Cloſe ou Paſture, & ad covenant pur ingreſſe & egreſſe, al & de meſme le dit Cloſe, per aſcun auter terre, p̄ que auterment il ne poit paſſer. Ou Chimin en groſſe poit eſtre ceo que les Civilians appel Perſonal; come quant un covenant p̄ un voy ſur le terre dun auter home pur luy meſme & ſes Heirs: Chimin appendant, e converſo, poit eſtre ceo que ils appel Real; ſicome quant home purchaſe un voy p̄ le ſoile dun auter home, pur tiels que inhabitont ou inhabiteront en ceſt ou ceſt meaſon, ou que ſont les Owners de tiel Mannor, a touts jours.

Chiminage.

C*Himinage* eſt un Toll dōe p̄ paſſage p̄ un Foreſt, en diſturbance des Feres del Foreſt.

Chirographer.

C*Hirographer* eſt celuy que en le Office del common Bank engroſſe Fines conus en ceſt Court, en un perpetual Record, (puis que ils ſont conus & pleinm̄t paſſe per ceux Officers p̄ queux ils ſont primerm̄t examine) & que eſcrie & deliver les Indentures, un p̄ le Purchaſor, & auter p̄ le Vendor, & fait un auter Eſcrow

endented, conteinant auxy le effect del Fine, que il deliver ouster al *Custos Brevium*, q̄ est appel le Pee del Fine. Le Chirograph' auxy, ou son Deputy, proclaime touts les Fines en le Court chescun Terme, accordant al Statute, & donques en alant al Office del *Custos Brevium* la endorse les Proclamations sur le dorse del Pee de ceo, & touts foits retaine le Brief de Covenant, come auxy le Note del Fine.

also the effect of the Fine, which he delivers over to the Custos Brevium, which is called the Foot of the Fine. The Chyrographer also, or his Deputy, proclaims all the Fines in the Court every Term, according to the Statutes, and then repairing to the Office of the Custos Brevium, there endorses the Proclamations upon the backside of the Foot thereof, and always keeps the Writ of Covenant, as also the Note of the Fine.

Chivage.

CHivage. Veies *Chevage*, *Chivalrie.*

CHivage. See Chevage.

Chivalry.

CHivalrie est un Tenure de terre per service d Chivaler : p̄ le mieux intelligence d q̄ est destre conus, que la nest ascun terre mes il est tenus mediatement ou immediatement del Corone p̄ ascun Service ou auter ; & p̄ ceo touts nostre Franktenements que sont a nous & a nostre Heires sont appel Fees, come ensuants de le bountie del Roy p̄ petit annual rent, & le pformāce de tiels services q̄ originalm̄t fueront impose sur le terre al donation de ceo : car sicome le Roy done a ses Nobles, ses immediate Tenants, graund Possessions a touts jours, a tener de luy pur celuy ou tiel rent & service ; issint ils arere en temps divide ouster, a tiels que pleist a eux, lour terres issint receive del bountie le Roy, p̄ Rents & Services come a eux semble bien. Et

CHivalry is a Tenure of Land by Knights service : for the better understanding whereof it is to be known, that there is no Land but is held mediately or immediately of the Crown by some Service or other ; and therefore all our Free-holds that are to us and our Heirs are called Fees, as proceeding from the Bounty of the King for some small yearly Rent, and the performance of such Services as originally were imposed upon the Land at the giving thereof : For as the King gave to his Nobles, his immediate Tenants, great possessions for ever, to hold of him for such or such Rent and Service ; so they again in time parcelled out, to such as pleased them, their Lands so received of the King's Bounty for such Rents and Services as to them seemed good. And the Services are all by Littleton divided into two sorts

ſorts, Chivalry and Socage: the one Martial and Military; the other Clownish and Ruſtical.

Chivalry therefore is a Tenure whereby the Tenant is bound to perform ſome Noble or Military Office to his Lord; and is of two kinds, either Regal, that is, ſuch as may be held only of the King, or ſuch as may alſo be held of a common Perſon as well as of the King. That which may be held only of the King is properly called Servitium or Sergeantia, and is alſo again divided into Grand and Petit Serjeanty. Grand Serjeanty is that, where a Man holds Lands of the King by Service which he ought to do in his own Perſon, as to carry the King's Banner or his Spear, to lead his Army, to be his Marſhal, to blow a Horn when he ſees his Enemies invade the Land, or to find an armed Man to fight within the four Seas, or to do it himſelf, or to carry the King's Sword before him at his Coronation, or at that Day to be his Sewer, Carver, Butler, or Chamberlain.

Petit Sejeanty is, where a Man holds Land of the King to pay him yearly a Bow, a Sword, a Dagger, a Knife, a Spear, a pair of Gloves of Mail, a pair of Spurs of Gold, or to give ſuch other ſmall things concerning the War.

ceux Services ſont touts p *Littleton* divide ē deux ſorts, *Chivalrie* & *Socage*; lun Martial & Militarie, le auter Rural & Ruſtical.

Chivalrie pur ceo eſt un Tenure per que le Tenant eſt lie a performer aſcun Noble ou Militarie Office a ſon Seignior; & eſt de deux ſorts, ou Regal, ceſtaſcavoir, tiel que poit eſtre tenus ſolement del Roy, ou tiel q̄ poit auxy eſtre tenus dun common Perſon cybien cōe del Roy. Ceo que poit eſtre tenus ſolement del Roy, eſt properment appel *Servitium* ou *Serjeantia*, & eſt auxy arere divide en *Grand* & *Petit Serjeantie*. *Grand Serjeantie* eſt ceo, ou home tient terres del Roy p ſervice que il devoit fair en ſon perſon demeſne, come a porter le Banner le Roy ou ſon Lance, ou de ameſner ſon Hoaſt, ou deſtre ſon Marſhal, ou a ventier un Cornu quant il veit ſes Enemies invade le Terre, ou de trover un hōe array de pugne deins le quater Meres, ou de fair ceo luy meſme, ou de port l' Eſpe le Roy devāt luy a ſon Coronation, ou a cet jour deſtre ſon Sewer, Carver, Butler, ou Chamberlain.

Petit Serjeantie eſt, ou un home tient terre del Roy de render a luy annuelment un Arc, un Eſpee, un Dagger, un Cuttel, un Launce, un paire de Gants de ferre, un paire de Spors de ore, ou d rēder auters tiels petit choſes touchant le Guerre.

Chivalrie q̄ poit tener d̄ un common Perſon cybien cōe del Roy eſt appel *Eſcuage*, *Servitium ſcuti*; & ceſt ou uncertain, ou certain. *Eſcuage uncertain* eſt auxy de deux ſorts; primerment, ou le Tenant per ſon Tenure eſt lie de attender ſon Seignior alant en perſon al guerres le Roy envers ſes Enemies, ou luy meſme, ou mitter un ſufficient home en ſon lieu, la deſtre maintain a ſes coſts tants des jours come fuer' agree perent' le Seignior & ſon primer Tenant al grant' del Fee. Et les jours d̄ tiel ſervice ſemble deſtre aſſeſſe p̄ le quantity del terre iſſint tenus: come ſi ceo extend a un entire Fee de Chivaler, donque le Tenant ſuit lie iſſint d̄ attender ſon Seignior 40 jours; & un Fee de Chivaler ſuit de terre come en ceux jours ſuit account un ſufficient viver p̄ un Chivaler, & ceo ſuit 680 Acres, p̄ l'opinion de aſcun, ou 800 come auters ſemblont, ou 15 livers p̄ l'an. *Cambden Brit. fol.* 110. Si le terre extende forſque al moiety d̄ un Fee d̄ Chivaler, donq̄ le Tenant eſt lie d̄ attend ſon Seignior mes 20 jours; ſi a un quart part, donque 10 jours. *Fitz. Nat Brev f.* 83. *c.* & 84. *c. e.* Lauter kind d̄ Eſcuage uncertain eſt appel *Caſtle-guard*, ou le Tenāt p̄ ſon ten eſt lie, ou p̄ luy meſme ou p̄ aſcun auter, a defender un Caſtle ſi toſt cōe aveña a ſon courſe.

Eſcuage certain eſt, ou le Tenant eſt aſſeſſe a un certain ſum d̄ argēt deſtre pay ē lieu de tiel uncertain ſervice; cōe q̄ un hōe payera annual-

Chivalry that may hold of a common Perſon as well as of the King is called Eſcuage, Service of the Shield; and this is either uncertain, or certain. Eſcuage uncertain is alſo of two kinds; firſt, where the Tenant by his Tenant is bound to follow his Lord going in Perſon to the King's Wars againſt his Enemies, either himſelf, or to ſend a ſufficient Man in his place, there to be maintained at his coſts ſo many Days as were agreed upon between the Lord and his Tenant at the granting of the Fee. And the Days of ſuch ſervice ſeem to have been rated by the quantity of the Land ſo held: as if it extends to a whole Knight's Fee, then the Tenant was bound ſo to attend his Lord 40 Days; and a Knight's Fee was ſo much Land as in thole Days was accounted a ſufficient Living for a Knight, and this was 680 Acres, by the opinion of ſome, or 800, as others think; or 15 Pounds by the year. Cambden's Brit. fol. 110. If the Land extends but to the moiety of a Knight's Fee, then the Tenant is bound to follow his Lord but 20 Days; if to a 4th part, then 10 Days. Fitz. Nat. Brev. fol 83. c. & 84. c. e. The other kind of Eſcuage uncertain is called Caſtleward. where the Tenant by his Land is bound, either by himſelf or ſome other, to defend a Caſtle as often as it ſhall come to his turn.

Eſcuage certain is, where the Tenant is aſſeſſed to a certain ſum of Money to be paid in ſtead of ſuch uncertain ſervice; as that a Man ſhall pay yearly

for

for a Knight's Fee 20 Shillings, for the half, 10 Shillings, or any ſuch rate. And this Service, becauſe it is drawn to a certain Rent, comes to be of a mixt nature, not meerly Socage, for it ſmells not of the Plow; and yet Socage in effect, being now neither perſonal Service, nor uncertain. Chivalry hath other conditions annexed thereunto: as Homage, Fealty, Wardſhip, Relief, and Marriage, Bracton, l 2. c. 35 and what they ſignifie ſee in their ſeveral places. Chivalry is either general, or ſpecial, Dyer, fol. 161. pla. 47. General ſeems to be, where it is only ſaid in the Feoffment, that the Tenant holds by Knight's Service, without any ſpecification of Sergeanty, Eſcuage, &c. Special is that which is declared particularly what kind of Knight's Service he holds by. See the Statute 12 Car. 2. c. 24.

Thing in Action.

A Thing in Action is, when a Man hath cauſe, or may bring an Action for ſome Duty due to him; as an Action of Debt upon an Obligation, Annuity, or Rent, Action of Covenant, or Ward, Treſpaſs of Goods taken away, Beating, or ſuch like: and becauſe they are things whereof a Man is not poſſeſſed, but for recovery of them is driven to his Action, they are called Things in Action. And thoſe Things in Action that are certain, the King may grant, and the Grantee may have an Action for them in his own name only: But a common Perſon cannot grant his Thing in

Choſe en Action.

Choſe en Action eſt, quant un hõe ad cauſe, ou poit porter un Action p aſc̃ duty due a luy; come un Action de Dett ſur un Obligation, Annuitie, ou Rent, Action de Covenant, ou Gard, Treſpaſs des biens import, Battery, ou tielx ſemblables: & p ceo q̃ ils ſont choſes de queux un home neſt poſſeſſe, mes p recoverie d eux eſt mis a ſon Action, ils ſont appelles *Choſes en Action*. Et ceux Choſes ẽ Action q̃ ſont certain, le Roy poit graunter, & le Grauntee poit uſer un Action pur eux en ſon noſme demeſme ſolement: Mes un c̃mon perſõ ne poit graunt

graunt ſon choſe en Action, ne Roy luy meſme ſon choſe en Action, quel eſt uncertain, cõe Treſpaſs, & tiels ſemblables.

Mes de tardiffe temps eſt uſe en *Londre*, q̃ Merchants & auters la queux ont Bills ſans Seals pur payment de Argẽt eux aſſigner al auters queux aſſignes porteront Actions en lour noſmes demeſnes.

Action, nor the King himſelf his Thing in Action, which is uncertain, as Treſpaſs, and ſuch like.

But of late times it is uſed in London, that Merchants and others there, who have Bills without Seals for payment of Money, aſſign them to others, who bring Actions in their own Names.

Churcheſſet.

CHurcheſſet eſt un parol de q̃ *Flet. l.* 1. *c.* 47. en le fine iſſint eſcrie: *Certam Menſuram bladi tritici ſignificat, quam quilibet olim Sanctæ Eccleſiæ die S.* Martini, *tempore tam* Britonum *quam* Anglorum, *contribuerunt. Plures tamen Magnates, poſt* Romanorum *adventum, illam Contributionem, ſecundum vet. Legem* Moyſi, *nomine Primitiarum dabant, prout in Brevi Regis* Kanuti *ad ſummum Pontificem tranſmiſſo continetur; in quo illam Contributionem* Chirchſed *appellant, quaſi Semen Eccleſiæ.*

Churcheſſet.

CHurcheſſet is a word whereof Flet. l. 1. c. 47. in the end thus writes: It ſignifies a certain Meaſure of Wheat, which in times paſt every Man on St. *Martin*'s Day gave to Holy Church, as well in the time of the *Britains* as of the *Engliſh*. Yet many great Perſons, after the coming of the *Romans*, gave that Contribution, according to the ancient Law of *Moſes*, in the name of the Firſt-fruits, as in the Brief of King *Kanutus* ſent unto the Pope is contained; in which they call the Contribution *Chirchſed*, as one would ſay, Church-ſeed.

Gardians d'Eſgliſe.

G*Ardians d'Eſgliſe* ſont Officers annualment elect p̃ le conſent del Miniſter & les Parochians, accordant al cuſtom de cheſcun ſeveral lieu, a veier al Eſgliſe, Cemiter, & tiels choſes queux appent al ambideux, & de obſerver le geſture des Parochians, p̃ tiels crimes q̃ appertain al Juriſdiction ou Cenſure del Court Eccleſiaſtical. Ceux ſont un kind d̃ Corporation, & ſont enable p̃ Ley de ſuer pur aſcun

Church-wardens.

CHurch-wardens are Officers yearly choſen by the conſent of the Miniſter and the Pariſhioners, according to the Cuſtom of every ſeveral place, to ſee to the Church, Churchyard, and ſuch things as belong to both, and to obſerve the behaviour of the Pariſhioners, for ſuch Crimes as appertain to the Juriſdiction or Cenſure of the Eccleſiaſtical Court. Theſe are a kind of Corporation, and are enabled by Law to ſue for any thing belonging

belonging to their Church, or the Poor of the Parish. See Lambert's Duty of Churchwardens.

Cinque Ports.

CInque Ports are five Haven-Towns, that is, Hastings, Romney, Hythe, Dover, and Sandwich, to which have been granted long time since many Liberties (which other Port-towns have not,) and that first in the time of King Edward the Confessor; which have been increased since, and that chiefly in the Days of the three Edwards, the first, the second, and third, as appears in Dooms-day Book, and other old Monuments, too long to recite.

See Warden of the Cinque-Ports, and the Stat. 32 Hen. 8. cap. 48. and Inst. fol. 222.

Circuity of Action.

CIrcuity of Action is, when an Action is rightfully brought for a Duty, but yet about the Bush, as it were, for that it might as well have been otherwise answered and determined, and the Suit saved: and because the same Action was more than needful, it is called Circuity of Action. As if a Man grant a Rent-charge of x li. out of his Mannor of Dale, and after the Grantee disseises the Grantor of the same Mannor, and he brings an Assise, and recovers the Land, and xx li. Damages, which xx li. being paid, the Grantee of the Rent sues his Action for x li. of his Rent due during the time of the Disseisin, which if

Cinque Ports.

C*Inque Ports* sont cinque Haven-villes, cestascavoir, *Hastings*, *Romney*, *Hyth*, *Dover*, & *Sandwich*, a queux ad este grant long temps passe mult Liberties (que auters Port-villes nont,) & ceo primerment en le temps del Roy *Edovart* appel le Cōfessor; & fuerōt encrease apres, & ceo especialmt en les jours del troys *Edovarts*, le prim, second, & le tierce, come appiert en le livre de *Dooms-day* & auter vieux Monuments, trop long de recite.

Veies *Gardein des Cinque-Ports*, & *Stat.* 32 *Hen.* 8. *cap.* 48. & 4 *Inst. fol.* 222.

Circuitie de Action.

C*Ircuitie de Action* est, quāt un Action est droiturelmt port p un Dutie, mes uncore circum le bush, cōe semble, p ceo q ceo poet cibien estre autrement respondue & determine, & le Suit save; & p ceo q mesme l'Acciō fuit pluis q besoigne, il est appel *Circuitie de Action*, come si un home grant un Rent-charge de x l. hors de son Mannor d *Dale*, & apres le Grantee disseisest le Grantor de mesme le Mannor, & il port un Assise, & recover le Terre, & xx l. Damages, le quel xx l. esteant pay, le Grantee del Rent sue son Action p x l. d son Rent due durāt le temps d le Disseisin, le

le q̄ ſi nul final Diſſeiſin ad eſte il doit aver ewe: Ceſt appel Circuitie de Action, p̄ c̄ que il poit aver eſte pluis briefment reſpondue; car lou le Grantor doit receive xx l. Damages, & pay x l. Rent, il puit aver receive forſque le x l. ſolem̄t p̄ les Damages, & le Grantee puit aver recoup. & retaine arere le auter x l. c̄ ſes maines p̄ voy d̄ deteiner p̄ ſon Rent, & iſſint p ycel poet aver ſave ſon Action.

no Diſſeiſin had been he muſt have had: This is called Circuity of Action, becauſe it might have been more ſhortly anſwered: for whereas the Grantor ſhall receive xx l. Damages, and pay x l. Rent, he may have received but the x l. only for the Damages, and the Grantee might have cut off and kept back the other x l. in his Hands, by way of deteiner for his Rent, and ſo thereby might have ſaved his Action.

Circumſtantibus.

Circumſtantibus eſt un parol d Art, expreſſent le Supply & addition del nombre d Jurors, ſi asc̄ impañel ne ap̄pearont pas, ou ſont challenge p asc̄ partie, p adding a eux cy pluſors auters de eux q̄ ſont preſent & circumſtantes. Veies 35 *H.* 8. *c.* 6. & 5 *Eliz.* 25.

Circumſtantibus.

Circumſtantibus is a word of Art, ſignifying the Supply and making up the number of Jurors, if any impannelled do not appear, or are challenged by either Party, by adding to them as many others of thoſe that are preſent and ſtanders-by. See 35 H. 8. c. 6. & 5 El. c. 25.

City.

City eſt tiel Ville corporate q̄ ad un Eveſque & un Eſgliſe Cathedral, & d̄ c̄ tiels parols ſont trove: *Idem locus* Urbs, Civitas, & Oppidum *appellatur.* Civitas *enim dicitur, quatenus cum juſtitia & Magiſtratum ordine gubernatur*; Oppidum, *quatenus eſt ibi copia Incolarum*; & Urbs, *quatenus Muris debito modo cingitur. Proprie autem dicitur* Civitas *quæ habet Epiſcopum.* Uncore *Crompton* en ſon *Juriſdictions* mention touts les Cities, & omit *Ely*, nient obſtant q̄ ad un Eveſque & un Eſgliſe Cathedral, & mitta ens *Weſtminſter*, nient obſtat que jammes nad aſcun Eveſque. Et 35 *El. c.* 6. *Weſtmin-*

City.

City is ſuch a Town corporate as hath a Biſhop and a Cathedral Church, whereof ſuch words are found: The ſame place is called *Urbs*, *Civitas*, and *Oppidum* It is called *Civitas* in regard it is governed in juſtice and order of Magiſtracy; *Oppidum* for that there are therein great plenty of Inhabitants; and *Urbs*, becauſe it is in due form begirt about with Walls. But that place is commonly called *Civitas* which hath a Biſhop. Yet Crompton in his Juriſdictions reckons up all the Cities, and leaves out Ely, although it hath a Biſhop and a Cathedral Church, and puts in Weſtminſter, notwithſtanding it now hath no Biſhop. And 35 El. 6. Weſtminſter is called a City:

City: and Anno 27. ejuſd. c. 5. (of Statutes not printed) Weſtminſter is alternately called a City or Borough. It appears by the Stat. 35 H. 8. c. 10 that then there was a Biſhop of Weſtminſter, Caſſanæus writes, that France hath within its Territories 104 Cities, and gives this reaſon, becauſe there are ſo many Sees of Archbiſhops and Biſhops.

ſter eſt appel un City: & *An.* 27 *ejuſd c.* 5. (d Statutes nïet imprime) *Weſtminſter* eſt equalm̃t appel un City ou Borough. Il appiert p le Stat. 35 *H.* 8. *c.* 10. q̃ donques la fuit un Eveſque d *Weſtminſter*. *Caſſanæus* eſcrie, q̃ *France* ad deins les Territories 104 Cities, & il rend c̃ reaſon p ceo q̃ la ſont cy pluſors Sees de Archieveſques & Eveſques.

Clack.

CLack, as to clack, force, and bard Wool, 8 H. 6. cap. 22. whereof the firſt, viz. to Clack Wool is, to cut off the mark of the Sheep, which makes it to weigh leſs, and ſo to pay the leſs Cuſtom to the King: To Force Wool is, to clip the upper and moſt hairy part of it: To Bard or beard Wool is, to cut the Head and Neck from the other part of the Fleece.

Clack.

C*Lack*, ſicome a *Clacker*, *forcer*, & *bard* lane, 8 *H* 6. *c.* 22. de q̃ le prim̃, *viz.* de *Clacker* lane eſt, d ſcinder les marks des Barbits, q̃ fait ceo deſtr̃ d meind poys, & iſſint d payer le meind Cuſtom al Roy: De *Forcer* lane eſt, de clip p le ouſter & pluis crineous part d ceo: De *Bard* ou *beard* lane eſt, d ſcind le Teſte & Colle del aut' parte del Toiſon.

Claim.

CLaim is a Challenge by any Man of the Property or Ownerſhip of a thing which he hath not in Poſſeſſion, but is withholden from him wrongfully: and the Party that ſo makes this Claim ſhall have thereby a great advantage; for by it, in ſome caſes, he may avoid a Deſcent of Lands; and by it, in other caſes, he may ſave his Title, which otherwiſe ſhould be loſt. As if a Man be diſſeiſed, and the Diſſeiſee makes a continual Claim, that is, if he claim the Lands whereof he is diſſeiſed within the Year and Day before the death of the Diſſeiſor, then may he enter, notwithſtanding the Diſcent.

Claime.

C*Laime* eſt un Challenge p aſcun home de le propꝛtie ou ownerſhip d un choſe que il nad en poſſeſſion, mes eſt deteigne de luy tortiouſment: & le party que iſſint fait ſon Claim perdera p ceo un grand advantage; car en aſcun caſes il poit p ceo avoider un Diſcent d terres; & en aſcun caſes il p ceo ſavera ſon Title, que autermẽt ſerroit perde. Come ſi home ſoit diſſeiſie, & le Diſſeiſee fait continual claim̃, ceſt adire, ſil claimer les terres dont il eſt diſſeiſie deins le an & jour devant le mort le Diſſeiſor, donque poit il enter, nient obſtant le Diſcent.

Auxy

Auxy ſi Fine ſoit levie del terre a un auter hõe, donq̃ ceſtuy q̃ ad droit a ceo doit faire ſon Claime deins cinq̃ ans apres le Proclamation ad, fait, ou certifie, p̃ le Statute d̃ 4 *H.* 7. *c.* 24. Mes un eſtranger q̃ nul droit ad ne poit de ſon teſte demeſne enter, ou faire Claime en le noſme d̃ ceſtuy q̃ droit ad d̃ avoider le Fine deins les cinque ans, ſans com̃andm̃t precedent ou aſſent ſubſequent: uncore Gardian p̃ nurture, ou en Socage, poit enter ou faire Claime en le noſme del Enfant q̃ ad droit d̃ enter ou faire Claime; & c'aydera le eſtate del Enfant, ſans aſcun com̃andm̃t ou aſſent, car la eſt privitie enter eux.

Alſo, if a Fine be levied of another Man's Land, then he that hath right thereunto ought to make his Claim within five years after the Proclamation had, made, or certified, by the Statute of 4 H. 7. cap. 24. But a Stranger that hath no right cannot of his own head enter, or make Claim in the name of him that hath right to avoid the Fine within the five years, without commandment precedent, or aſſent ſubſequent: yet Gardian for Education, or in Socage, may enter or make Claim in the name of the Infant that hath right to enter or make Claim; and this ſhall help the Eſtate of the Infant, without commandment or aſſent, for there is privity between them.

Claime de Liberties.

Claim of Liberty.

EST un Suit ou Petition al Roy, en le Court de Exchequer d̃ aver Liberties & Franchiſes d̃ eſtre confirm̃ p̃ l'Attorney General le Roy. *Coke Ent.* 93.

IS a Suit or Petition to the King, in the Court of Exchequer to have Liberties and Franchiſes confirmed there by the King's Attorney-General, Coke Ent. 93.

Clergie.

Clergy.

C*Lergie* eſt priſe divers voyes; aſcun ſoits p̃ tout le nombre de homes d̃ Religion, aſcun ſoits p̃ un Plee a un Indictment ou Appeal: & eſt define deſtre un anciẽt Libertie de Eſgliſe, confirm̃ en divers Parliam̃ts. Et eſt, quãt un home eſt arraigñ de Felony, ou tiels ſemblables, devãt un tẽporal Judge, &c. & le Priſoner pria ſon Clergie, ceſt adire, p̃ aver ſon Liver, quel en ancient tẽps fuit autant ſicome il uſt prie deſtre diſmiſſe del temporal Judge, & deſtre deliver al

CLergy is taken divers ways ſometimes for the whole number of Religious Men, ſometimes for a Plea to an Indictment or Appeal: and it is defined to be an ancient liberty of the Church, confirmed in divers Parliaments. And it is when a Man is arraigned of Felony, or ſuch like, before a temporal Judge, &c. and the Priſoner prays his Clergy, that is, to have his Book, which in ancient time was as much as if he deſired to be diſmiſſed from the temporal Judge, and to be delivered to the Ordinary

to purge himself of the same Offence. And then the Judge shall command the Ordinary to try if he can read as a Clerk, in such a Book and Place as the Judge shall appoint. And if the Ordinary certifie the Judge that he can, then the Prisoner shall not have Judgment to lose his Life. But this Liberty of the Clergy is restrained by the Statute of 8 El. c. 4. an. 14 ejusd. c. 5. an. 18 ejusd. c. 4, 6, 7. & 23 ejusd. c. 2. & 29 ejusd. c. 2. 31 ejusd. c. 12. & 39 ejusq. c. 9 & 15. See Crompt. Justice of Peace, fol. 102, &c. and Stamf. lib. 2. c. 41. and the Stat. of 18 Eliz. c. 7. by which Clerks are not to be delivered to their Ordinaries to be purged; but now every Man, though not within Orders, is put to read at the Bar, being found guilty, and convicted of such Felony, for which this benefit is still granted, and so burned in the Hand, and set free the first time, if the Ordinary's Commissary or Deputy saith, He readeth as a Clerk; or otherwise he suffers Death for his transgression.

Ordinary d purger luy mesm d mesme Offence. Et donques le Judge comander le Ordinary d trier sil poit lier cõe un Clerk, en tiel Livre & lieu cõe le Judge assignera. Et si le Ordinary certifie le Judge q̃ il poit, donques le Prisoner navera Judgment d perder son vie. Mes cest Libertie de Clergie est restrain p̃ les Stat. de 8 *Eliz. c.* 4. *an.* 14 *ejusd. c.* 5. *an.* 18 *ejusd. c.* 4, 6, 7. *&* 23 *ejusd. c.* 2 *&* 19 *ejusd. c.* 2. *&* 31 *ejusd. c.* 12. *&* 39 *ejusd. c.* 9 *&* 15. Veies *Crompt. Justice de Peace. fol.* 102. *&c.* & *Stamf. lib.* 2. *c.* 41. & Stat. d 18 *Eliz. c.* 7. p̃ q̃ Clerks ne sont destre deliver a lour Ordinaries destre purge, mes james chescun home, coment nient deins Orders, est mis a lier al Barre, esteant trove culpable, & convict de tiel Felony, p̃ que cest benefit cẽ uncore grant, & issint arse en le main, & enlarge p̃ le primer temps, si le Comissary ou Deputy del Ordinary dit, *Legit ut Clericus*; ou autrem̃t il suffre mort p̃ son peche.

Clerk.

CLerk hath two significations, one as it is the title of him that belongs to the holy Ministry of the Church, that is, in these Days, either Minister or Deacon of what other Degree or Dignity sever; although that in ancient time not only Sacerdotes and Diaconi, but also Subdiaconi, Cantores, Acoluthi, Exorcistæ and Ostiarii were within this account, as they are at this Day where the Canon-Law hath full power.

Clerk.

CLerk ad deux significations, un come cẽ le title d celuy q̃ appertient al sanct Ministerie d le Esglise, cest-ascavoir, cẽ ceux jours ou Minister ou Deacon d quecunque auter Degree ou Dignity, nient obstant q̃ en pristine temps non solem̃t *Sacerdotes* & *Diaconi*, mes auxy *Subdiaconi*, *Cantores*, *Acoluthi*, *Exorcistæ* & *Ostiarii* fueront deins cest accompt, sicome ils sont a cest jour ou le Ley

Canon

Canon ad pleine poyar. Et en ceſt ſignification Clerk eſt ou Religious (auterment appel regular) ou Secular. 4 *H.* 4. *c.* 12.

Lauter ſignification d ceſt parol denote tiels q̄ p̄ lour functiō ou courſe d vie uſont lour plume en aſcun Court, ou auterment; come noſmement le Clerk des Rotules del Parliam̄t, Clerks del Chancery, & tiels ſembles.

Clerico admittendo.

Clerico admittendo eſt un Brief direct al Eveſque p̄ l' admittance de un Clerk a un Benefice, ſur un *Ne admittas* trie & found p̄ le party q̄ procure le Brief. *Reg. Orig. fol.* 31.

Clerk attaint.

Clerk attaint eſt celuy que pria ſon Clergy apres judgement ſur luy done de Felony, & ad ſon Clergy allow; tiel Clerk ne poit faire ſon Purgation.

Clerk convict.

Clerk convict eſt celuy que pris ſon Clergie devant judgem̄t done ſur luy de le Felōy, & ad le Clergie grant; tiel Clerk puit fair ſon Purgatiō. Nota, q̄ cel Purgation fuit fait quant il fuit dimiſſe al Ordinarie la deſtre trie del enqueſt del Clerks: & pur ceo ore per le Stat. 18 *Eliz. cap.* 7. nul tiel eſt miſſe al Ordinarie.

Clerk del Aſſiſe.

Clerk del Aſſiſe, Clericus Aſſiſæ, eſt celuy qui eſcrit touts choſes, judicialment fait p̄ les Juſtices de Aſſiſe ē

And in this ſignification Clerk is either Religious (otherwiſe called Regular) or Secular. 4 H. 4. c. 12.

The other ſignification this word denotes ſuch as their Funtion or courſe Life uſe their Pen in a Court, or otherwiſe; as namely the Clerk of the Rolls Parliament, Clerks of Chancery, and ſuch like.

Clerico admittendo.

Clerico admittendo is a Wr directed to the Biſhop for admitting a Clerk to a Be fice upon a Ne admittas tr and found for the Party t procures the Writ. Reg. O fol. 31.

Clerk attaint.

Clerk attaint is he who p his Clergy after judgm given upon him of the Felo and hath his Clergy allowe ſuch a Clerk might not m his Purgation.

Clerk convict.

Clerk convict is he who p his Clergy before judgm given upon him of the Felo and hath his Clergy gran ſuch a Clerk might make Purgation. Note, that t Purgation was made when was diſmiſſed to the Ordina there to be tried by the inque Clerks: and therefore now the Stat of 18 Eliz. cap. 7. ſuch is put to the Ordinary.

Clerk of Aſſiſe.

Clerk of Aſſiſe, Clericus A ſæ, is he who writeth things done judicially by Juſtices of Aſſiſe in t Circu

Circuits. Crompt. Jurisdict. fol. 227.

Closh.

CLosh is an unlawful Game forbidden by the Statute made in the 17 Year of E 4. c. 3. and it is inhibited also by the Statute of 33 H. 8. c. 9. But there it is more properly called Clash; for it is the throwing of a Bowl at nine Pins of Wood, or nine Shank-bones of an Ox or Horse: and it is now ordinarily called Kailes, or Nine-pins.

Coadjutor.

COadjutor to the Disseisin is he who with another disseises one of his Free-hold to the use of the other, and he shall be punished as a Disseisor; but he is not such a Disseisor who gains the Free-hold, but the Free-hold vests and is wholly in him to whose use the Disseisin was committed, as appears by Littleton, l. 3. c. 3. of Joinants.

Cocket.

COcket is a Seal pertaining to the King's Custom-house, and it signifies also a Scrowl of Parchment, sealed and delivered by the Officers of the Custom-House to Merchants, as a Warrant that their Merchandize are customed. This word is used in the Statutes now expired, of 14 E. 3. Stat. 1. c. 21. & 11 H. 6. c. 16.

Codicil.

CODicil is the Will or Testament of a Man concerning that which he would have done after his Death without the ap-

Jour Circuits. *Crompt. Jurisdict. fol.* 227.

Closh.

C*Losh* ou *Closse* est un illoyal Game prohibit p̄ le Statute fait en l'an 17 *E.* 4. *c.* 3. & est inhibit auxy p̄ le Statute de 33 *H.* 8. *c.* 9. Mes icy est plus propremẽt appel *Clash*; car est le mitter dun Boul as neuf Espingles de Boys, ou neuf shankbones d un beefe ou chival: & est ore usualment appel *Kailes*, ou *Nine-pins*.

Coadjutor.

C*Oadjutor* al Disseisin est celuy que ove auter disseise un de son Franktenemẽt al use del auter a & il serra punie come un Disseisor; mes il nest tiel Disseisor q̄ gaine le Franktenemẽt, mes le Franktenemẽt vest & est tout en celuy a que use le Disseisin fuist cõmit, cõe appiert en *Littleton*, *l.* 3. *c* 3. de *Joyntenants*.

Cocket.

C*Ocket* est un Seale q̄ apperteine al Custõe House le Roy, & signifie auxy un Escrowle del Parchment, seal & deliver p̄ les Officers del Custõe-House as Merchants, cõe un Garrant que lour Merchandizes sõt custões. Cest parol est use en les veux Statutes ore expires, faits 14 *E.* 3. *Stat.* 1. *c.* 21. *& 11 H.* 6. *cap.* 16.

Codicil.

C*Odicil* est le Volunt ou Testamt dun home touchãt c̄ q̄ il voit aver destre fait apres son mort sans l' nomination

mination dasc̄ Executor. Ou auterm̄t il eſt un addition ou ſupplem̄t adde al un Volunt ou Teſtament apres le fine de ceo, p̄ le ſupply daſcun choſe que le Teſtator ad oblie, ou p̄ ayder aſcun defect en le Teſtament. De ceo poyes lier pluis en *Swinbourne* des *Volunts & Teſtaments, part* 1. *Sect.* 5. *num.* 2, 3, *&c.*

pointing of an Executor. Or it is an addition or ſupplement added unto a Will or Teſtament after the finiſhing of it, for the ſupply of ſomething which the Teſtator had forgotten, or to help ſome defect in the Will. Of this you may read more in Swinbourn's Wills and Teſtaments, part 1. Sect. 5. num. 2, 3, &c.

Coigne.

Coigne eſt un parol collective, q̄ cōtain ē c̄ touts manners del ſeveral ſtāps & portraitures d Numm̄. Et c̄ eſt un des Royalx Prerogatives appēdāt a chesc̄ Prince, q̄ il ſolem̄t ē ſes terres dēeſne poit order & diſpoſe le quātitie,& faſhiōs d ſon Coigne. Et coment que ceo eſt le nerve d tout merchandiſe & commerce, uncore le Coigne d un Roy neſt currant ē les Royalms d un auter Roy comunem̄t, ſinon al grand perde.

Coin.

Coin is a word collective which contains in it all manner of the ſeveral ſtamps and pourtraitures of Money. And this is one of the Royal Prerogatives belonging to every Prince, that he alone in his own Dominions may order and diſpoſe the quantity, and faſhions of his Coin. And though this be the Sinew of all Traffick and Commerce, yet the Coin of one King is not current in the Realms of another King, commonly, unleſs at great loſs.

Si hōe oblige luy meſme d render cent livers de loyal Coigne d *Angleterre* a un auter, & al jour d paym̄t aſcun d argēt happa deſtr̄ Coigne de *Eſpaigne* ou de *Franceis*, ore l'Obligation eſt bien performe, ſi p Proclamation ils ſont faits currant Mony de *Angleterre*. Car le Roy p ſon abſolute Prerogative poit faire aſcun foreign Coigne loyal Coigne de *Angleterre* a ſon pleaſure p ſon Proclamation. En caſe ou home eſt d pay Rent a ſon Leſſor ſur condition de Re-entry, & le Leſſee paya le Rent a ſon Leſſor, & il ceo re-

If a Man binds himſelf to pay an Hundred Pounds lawful Money of England to another, and at the Day of payment ſome of the Money chances to be Spaniſh or French Coin, there the Obligation is well performed, if thoſe Coins are by Proclamation made current Money of England: For the King by his abſolute Prerogative may make any foreign Coin lawful Money of England at his pleaſure by his Proclamation. In caſe where a Man is to pay Rent to his Leſſor upon condition of Re-entry, and the Leſſee pays the Rent to the Leſſor, and he recei-

it, and puts it in his Purſe, and afterwards upon review of it at the ſame time he finds that he hath received ſome counterfeit pieces, and thereupon refuſes to take away the Money, but re-enters for the Condition broken; there his Entry is not lawful, for when he hath accepted the Money, this was at his peril, and after this allowance he ſhall not take exception to any of it.

Collateral.

Collateral is that which comes in, or adheres to the ſide any thing; as Collateral Aſſurance is that which is made after and beſide the Deed it ſelf: For example, if a Man covenants with another, and enters Bond for the perfor-mance, the Bond is called Collateral Aſſurance, becauſe it is external, and without the nature and eſſence of the Covenant. And Crompton, f. 185. hath, that to be ſubject to hunting the King's Deer is collateral to the Soil within the Forreſt. In like manner we may ſay, that the liberty to pitch Sheds or Standing for a Fair in the Soil of another Man is collateral to the Land. The private Woods of a common Perſon within the Forreſt cannot be cut down without the King's Licenſe, for it is a Prerogative collateral to the Soil. Manw. part 1. pag. 66. Collateral Warranty; ſee tit. Warrantie.

ceive, & mitta ceo en ſon Burſe, & puis en reviewant de ceo a meſme le temps il trova q̃ il ad receive aſcun counterfeit peeces, & ſur ceo il refuſe de emport' les Deniers, mes re-enter p̃ le Condition enfreint; ore ſon Entrie neſt loyal, car quant il ad accept les Deniers, ceo fuit a ſon peril, & puis ceſt allowance il ne prendra exception al aſcun de eux.

Collateral.

Collateral eſt ceo que vient eins, ou adhere al later' dun choſe; come *Collateral Aſſurance* eſt ceo q̃ eſt fait ouſter & preter le Fait m̃: Pur example, ſi home covenant ove un auter, & luy oblige p̃ le performance, le Obligation eſt appel *Collateral Aſſurance*, p̃ ceo q̃ eſt external, & ſans le nature & eſſence del Covenant. Et *Crompton, fol.* 185. dit, que deſtre ſubject al diſturing des Dames le Roy eſt collateral al ſoyle deins le Foreſt. En meſme le manner poyomus nous dire, que libertie a pitcher Sheds ou Stalls pur un Faire en le ſoyle de un auter home eſt collateral al terre. Le private Bois d un common Perſon deins le Foreſt ne poit eſtre ſuccide ſans le Licence del Roy, car il eſt un Prerogative collateral al ſoyle. *Manw. part* 1. *pag.* 66. Collateral Garrantie; veies *tit. Garranty.*

Collation.

Collation eſt proprement le Donation d̄ un Benefice p̄ l'Eveſque, q̄ ceo ad en ſon Done ou Patrōage demeſne ; & differt de *Inſtitution* en ceo, pur ceo que Inſtitution en un Benefice eſt performe p̄ l'Eveſque al motion & Preſentation de un auter, que eſt Patron de meſme Eſgliſe, ou ad le droit del Patron pro hac vice : Uncore Collation eſt uſe pur Preſentation en 24 *E.* 3. *Stat.* 6. & la eſt un Brief en le *Regiſt.* 31. *b.* appel *De Collatione facta uni poſt mortem alterius, &c.* direct al Juſtices del Common Bank, eux commandant a directer lour Brief al Eveſque, p̄ l'admittance de un Clerk en le lieu d̄ un auter preſent p̄ le Roy, que devant le Suit perenter le Roy & le Clerk del Eveſq̄, moruſt ; car judgement un foits paſſe pur le Clerk le Roy, & il morant devant que il ſoit admit, le Roy poit done ſon Preſentation al auter.

Collation.

Collation is properly the beſtowing of a Benefice by the Biſhop, that hath it in his own Gift or Patronage ; and differs from Inſtitution in this, for that Inſtitution into a Benefice is perfozmed by the Biſhop at the Motion and Preſentation of another, who is Patron of the ſame Church or hath the Patron's right for that time : Yet Collation is uſed for Preſentation in 25 E. 3. Stat. 6. and there is a Writ in the Regiſt. 31. b. called De Collatione facta uni poſt morte alterius, &c. directed by the Juſtices of the Common Pleas commanding them to direct their Writ to the Biſhop, for the admitting a Clerk in the place of another preſented by the King, who during the Suit between the King and the Biſhop's Clerk, deceaſed, for judgment once paſſed for the King's Clerk, and he dyed before he be admitted, the King may give his Preſentation to another.

Colluſion.

Colluſion eſt, lou un Action eſt port vers un auter per ſon agreement demeſne, ſi le Plaintiffe recover, tiel Recoverie eſt dit *per Colluſion* Et en aſcun caſes le Colluſion ſerra inquire, come en un *Quare impedit*, & Aſſiſe, & tiels ſemblables, queux aſcun Corporation ou Corps politique port envers auter al entent d̄ aver le Terre ou Advowſon dōt le Brief eſt port ē Mortmain. Mes en Avowrie, ne

Colluſion.

Colluſion is, where an Action is brought againſt another by his own agreement, and the Plaintiff recover, the ſuch Recovery is called Colluſion. And in ſome caſes the Colluſion ſhall be enquired of, as in Quare impedit, and Aſſiſe, and ſuch like, where any Corporation or Body politick brings againſt another to the intent to have the Land or Advowſon whereof the Writ is brought in Mortmain. But in Avowry, no

any Action perſonal, the Colluſion ſhall not be inquired. See the Statute of Weſtm. 2. c. 32. which gives the Quale jus and enquiry in ſuch caſes.

Colour.

COlour is feigned matter, which the Defendant or Tenant uſes in his barr when an Action of Treſpaſs or an Aſſiſe is brought againſt him, in which he gives the Demandant or Plaintiff a ſhew at firſt ſight that he hath good cauſe of Action, where in truth it is no juſt cauſe, but only a Colour and Face of a cauſe: and it is uſed to the intent that the determination of the Action ſhould be by the Judges, and not by an ignorant Jury of twelve Men. And therefore a Colour ought to be a matter in Law doubtful to the common People. As for Example, A. brings an Aſſiſe of Land againſt B. and B. ſaith he himſelf did let the ſame Land to one C. for term of Life, and afterward did grant the Reverſion to A. the Demandant, and after C. the Tenant for term of Life died, after whoſe deceaſe, A. the Demandant, claiming the Reverſion by force of the Grant, wherof C. the Tenant for Life did never atturn) entred, upon whom B entred, againſt whom A. for that Entry brings this Aſſiſe, &c. This is a good Colour, becauſe the common People think the Land will paſs by the Grant without Atturnment, where indeed it will not paſs, &c.

Alſo in an Action of Treſpaſs Colour muſt be given, of which there are an infinite number, one for example: In an

en aſcun Action perſonal, le Colluſion ne ſerra enquire. Veies le Statute de *Weſtm.* 2. *c.* 32. q̄ done le *Quale jus* & enquirie en tiel caſe.

Colour.

COlour eſt un fained matter le quel le Defendant ou Tenant uſe ē ſon barre quat un Action d̄ Treſpaſſe ou un Aſſiſe eſt port envers luy, ē le quel il done le Demandāt ou Plaintiff un ſhew prima facie que il ad bone cauſe d̄ Action, lou ē veritie il neſt juſt cauſe, mes tantſolement un Colour & Viſour d̄ un cauſe: & il eſt uſe al entent que le determination del Action doit eſtre p̄ les Judges, & nemy p̄ un ignorant Jurie de douze homes. E p̄ ceo un *Colour* doit eſtre un matter en Ley difficult al lay Gentes. Come p̄ example, *A.* port un Aſſiſe d̄ terre envers *B.* & *B.* dit que il meſme leſſe meſme le terre al un *C.* p̄ terme de vie, & apres grant le Reverſion al *A* le Demandant, & puis *C.* Tenant p̄ terme de vie moruſt, apres que deceaſe, *A.* le Demandant, claimant le Reverſion p̄ force del Grant, (ou *C.* le Tenant p̄ vie ne unques attourne) entra, ſur q̄ *B.* entra, envers que *A.* p̄ meſme entrie port ceſt Aſſiſe, &c. Ceſt un bone *Colour*, pur ceo que les lay Gentes penſant que le terre voile paſſe p̄ le Grant ſans Arturnment, lou ē fait il ne voile paſſe, &c.

Auxy ē un Action d̄ Treſpaſſe *Colour* doit eſtre done, & d'eux sōt un infinite number, un p̄ Example: En un

Action de Treſpaſs p̄ priſe de Avers del Plaintiff, le Defendant dit, que devant le Plaintiff riens avoit en eux, il meſme fuit poſſeſſe de eux come de les proper Biens, & eux deliver al *A. B.* pur eux rebailer a luy quando, &c & *A. B* eux dona al Plaintiff, & le Plaintiff ſuppoſant le property deſte en *A. B* al temps del do e, priſt eux, & le Defendant eux repriſt del Plaintiff, ſur que le Plaintiff port l'Action: ceſt un bone *Colour*, & un bon Plea. Veies d ceo pluis en *Doctor & Student*, *l.* 2. *c.* 13.

Colour eſt p̄ ceo cauſe, viz. lou le Defendant juſtifie p̄ title en Tranſgreſs ou Aſſiſe, ſil ne done le Plaintiff *Colour*, ſon plea amount tanque al general iſſue, car ſi le Defendant ad title il n'eſt culpable, 1 *Co.* 79, 108.

Colour de Office.

Colour de Office eſt touts foits priſt in malam partem & ſignifie un act malement fait p̄ le countenance d un Office, & il port un diſſimulant viſage del droit del Office, lou le Office neſt q̄ vaile del fauxitie, & le choſe eſt ground ſur vice & le Office eſt come un ſhadow al ceo. Mes *ratione Officii*, & *virtute Officii*, sōt priſes touts foits in bonam partem, & lou le Office eſt le juſt cauſe del choſe, & le choſe eſt p̄ſuant al Office. *Plo.* en *Dive & Man. caſe*, *f.* 64. *a.*

Action of Treſpaſs for taking away the Plaintiff's Beaſts, the Defendant ſaith, that before the Plaintiff had any thing in them, he himſelf was poſſeſſed of them as of his proper Goods, and delivered them to A. B. to deliver them to him again when, &c. and A. B. gave them unto the Plaintiff, and the Plaintiff ſuppoſing the Property to be in A. B. at the time of the Gift, took them, and the Defendant took them from the Plaintiff, whereupon the Plaintiff brings an Action: that is a good Colour and a good Plea. See more hereof in Doctor and Student l. 2. c. 13.

Colour is for this cauſe, viz. where the Defendant juſtifies by title in Treſpaſs or Aſſiſe, if he do not give the Plaintiff Colour, his Plea amounteth only to not guilty, for if the Defendant hath title he is not guilty. 1 Co. 79, 108.

Colour of Office.

Colour of Office is always taken in the worſt part, and ſignifies an act evilly done under the countenance of an Office, and it bears a diſſembling face of the right of the Office, whereas the Office is but a Vail to the Falſhood, and the thing is grounded upon Vice, and the Office is as as a Shadow to it. But by reaſon of the Office, and by virtue of the Office, are taken always in the beſt part, and where the Office is the juſt cauſe of the thing, and the thing is purſuing the Office. Plo. in Dive & Man. caſe, f. 64. a.

Com

Combat.

COmbat, in our ancient Law, was a formal Trial of a doubtful Cauſe or Quarrel by the Sword or Baſtons of two Champions. See Glanvile, l. 14. c. 1. Britton, c. 22. and Dyer, fol. 301. num. 41.

Commandment.

COmmandment is taken in divers ſignifications: ſometimes for the Commandment of the King, when by his meer Motion, and from his own Mouth, he caſts any Man into Priſon, Stamf. Plac. Coron. fol. 72. or of the Juſtices: And this Commandment of the Juſtices is either Abſolute or Ordinary. Abſolute, as when upon their own Authority, or Wiſdom and Diſcretion, they commit any Man to Priſon for a Puniſhment. Ordinary is, when they commit one rather to be ſafely kept than for Puniſhment; and a Man committed by ſuch ordinary Commandment is bailable, Placit. Cor. fol. 73. Commandment is again uſed for the Offence of him that wills another Man to tranſgreſs the Law, or to do any ſuch thing as is contrary to the Law, as Murther, Theft, or ſuch like, Bracton, l. 3. tract. 2. cap. 19. The Civilians call this Commandment, Angelus de maleficiis.

Commandrie.

COmmandrie was the name of a Manor or chief Meſſuage, with which Lands or Tenements were uſed belonging to the late Priory of S. John of Je-

Combat.

COmbat, en noſtre antique Ley, eſtoit un formal Trial d̄ un ambigieux Caſe ou Controverſie p̄ l'Enſe ou Baſtons d̄ deux Champions. Veies *Glanvile, l.* 14. *c.* 1. *Britton, c.* 22. & *Dyer, f.* 301. *num.* 41.

Commandment.

COmmandment eſt priſe ē divers ſignifications: aſc̄ foits p̄ le Commandment le Roy, quāt p̄ ſon mere Motion & de ſon Bouche demeſne il jette aſcun home ē Priſon, *Stamf. Plac. Cor. fol.* 72. ou des Juſtices: Et ceo Commandment des Juſtices eſt ou Abſolute, ou Ordinarie. *Abſolute*, ſicome quant ſur lour authoritie demeſne, ou lour ſapiēce & prudēce, ils committont aſcun home a Priſon p̄ un puniſhment. *Ordinarie* eſt, quant ils committont un pluis deſtre ſafement gard, q̄ p̄ puniſhment; & hōe com̄t p̄ tiel ordinarie Commandment eſt mainpernable, *Placit. Cor fol.* 73. Cōmandm̄t eſt uſe arere p̄ l'Offence d̄ celuy que command auter home d̄ tranſgreſſer le Ley, ou d̄ faire aſc̄ tiel choſe q̄ eſt encounter le Ley, cōe Murder, Larcenie, ou tiels ſemblables, *Bract. l.* 3. *tract.* 2. *c.* 19. Les Civiliās appel ceſt Commandm̄t, *Angelus de maleficiis.*

Commandrie.

COmmandrie fuit le noſme dun Mannor ou chief Meſſuage, ove q̄ Tres ou Tenem̄ts fueront occupies pteignont al Priorie d̄ *S. Johan*

de Jerusalem, tanque fueront done al Roy *Henry* le huict p Statute fait en l'an 32 de son reign. Et cestuy q̄ avoit le Governm̄t d̄ asc' tiel Manor ou Messuage fuit appel le *Commander*, q̄ navoit rien a faire on dispoſer de ceo, forsq̄ al use del Priorie, & daver solem̄t son sustenance de ceo solonque son degree, q̄ fuit usualm̄t un Frere de meſme le Priorie, que eust este fait Chivaler en les guerres encount' Infidels: & fueront jades appel Knights de le *Rhodes*, ou Knights de *Malta*, de lieus lou leur grand Master inhabite. Veies le dit Statute, & le Statute etituled *De Templariis*, le decay des queux fuit grand encreaſe de cel Order. Et plusors de ceux Commandries sont ē le Pais nosmes le *Temple*.

Commendam.

Commendam est un Benefice q̄ esteant void, est commend al care d̄ asc' sufficient Clerk, destre supplie jesque il poit estr̄ convenim̄t provide d̄ un Pastor. Et le voyer original de ceux *Commendams* fuit où pur cause de evident utilitie, ou necessitie Cestuy a quel l'Esglise est com̄end ad les fruits & profits de ceo solement p̄ un certain temps, & le nature del Esglise nest alter p̄ ceo, mes est sicome un chose deposite en les maines d̄ cestuy a que il est com̄end, que nad forsq̄ le Custody de ceo, que poit estre revoke.

rusalem, until they were given to King Henry the eighth by Statute made in the 32 year of his Reign. And he who had the Government of any such Manor or House was called the Commander, who had nothing to do to dispose of it, but to the use of the Priory, and to have only his sustenance from it according to his degree, which was usually a Brother of the same Priory, who had been made Knight in the Wars against Infidels; and they were lately called Knights of the Rhodes, or Knights of Malta, of the places where their grand Master did dwell. See the said Statute, and the old Statute intituled De Templariis, whose decay was, a great increase of this Order. And many of these Commandries are called in the Country by the name of Temple.

Commendam.

COmmendam is a Benefice that being void, is commended to the care of some sufficient Clerk, to be supplied until it may be conveniently provided of a Pastor. And the true original of these Commendams was either evident profit, or necessity. He to whom the Church is commended hath the fruits and profits thereof only for a certain time, and the nature of the Church is not changed thereby, but it is a thing deposited in the hands of him to whom it is commended, who hath nothing but the Cudy thereof, which may be revoked.

Commissary.

Commissary.

COmmissary is a title of Ecclesiastical Jurisdiction, appertaining to him that exercises Spiritual Jurisdiction in places of the Dioces so far distant from the chief City, that the Chancellor cannot call the Subjects to the Bishop's principal Consistory without their great trouble. The Commissary is called by the Canonists Commissary, or Officialis foraneus; and is ordained to this special end, that he should supply the Office and Jurisdiction of the Bishop in the out-places of the Dioces or in such Parishes as are peculiars to the Bishop, and exempted from the Archdeacon's Jurisdiction, for where by prescription, or by composition, are Archdeacons, who have Jurisdiction in their Archdeaconries, as in most places they have, there this Commissary is superfluous, and rather to the prejudice than good of the people.

Commission.

COmmission is as much in the Common Law as the word Delegate in the Civil, and is taken for the Warrant or Letters Patents which all Men, using Jurisdiction, either ordinary or extraordinary, have for their power to have or determine any Matter or Action. Yet this word sometimes extends more largely than to Matters of Judgment; as the Commission of Purveyors or Takers, 11 H. 4. cap 28. But with this Epithete High, it is most commonly used for the High-Commission Court, in-

Commissary.

COmmissary est un nosme de Ecclesiastical Jurisdiction, appteinant a cestuy que exercise Jurisdictiō Spiritual en lieus del Dioceſſe de cy grand distance del principal City, q̄ le Chancellor ne poit appeller les Subjects al chief Consistorie del Evesque sans lour grand molestation. Cest Commissarie est appel p̄ les Canonists *Commissarius*, ou *Officialis foraneus*; & est ordeigne a cel special fine, q̄ il executera l'Office & Jurisdiction del Evesq̄ ē les Boundaries del Dioces, ou ē tiels Paroches que sōt peculiars al Evesque, & exempt del Jurisdiction del Archdeacon: car ou p̄ prescription, ou per composition, la sont Archdeacons que ont Jurisdiction en lour Archdeaconries, sicome en plusors lieus ils ont, la cest Commissarie est superfluous, & pluis al detriment quel al bone des gens.

Commission.

COmmissio est tant en le Comon Ley come le parol *Delegate* ē l' Civil, & est prise p̄ le Garrant ou Letters Patents que touts homes, ayant jurisdiction, ou ordinarie ou extraordinarie, ont pur lour poyar de oyer ou termiñ asc' cause ou action. Uncore cest parol est asc' foits extend plus largem̄t que al choses d Judicature; sicome le Commission d Purveyors ou Prisors, 11 *H.* 4. *cap.* 28. Mes ove cest Epithere *Alt*, il est pluis cōmunem̄t u'e p̄ le Alt-Commission

miſſion Court, inſtitute & foundue ſur le Stat. de 1 *El.* *c.* 1. p̄ l'ordinãce & reformation de touts Offences ē asc̄ choſe appertinent al Juriſdiction Eccleſiaſtical, mes eſpecialm̄t tiels q̄ ſont d̄ pluis alt nature, ou al meins require pluis grād puniſhm̄t q̄ ordinarie Juriſdiction poit afford. Veies les Stat. 17 *Car.* 1. *c.* 11. & 13 *Car.* 2. *c.* 12. p̄ quel l'avant-dit Court eſt tout abolie.

ſtituted and founded upon the Stat. of 1 Eliz. c. 1. for the ordering and reforming of all Offences in any thing appertaining to the Juriſdiction Eccleſiaſtical, but eſpecially ſuch as are of higheſt nature, or at leaſt require greater Puniſhment than the ordinary Juriſdiction can afford. See the Statutes 17 Car. 1. c. 11. and 13 Car. 2. c. 12. by which the ſaid Court is wholly abolished.

Commiſſion de Rebellion.

Commiſſion of Rebellion.

C*Ommiſſion de Rebellion*, autrement appel *un Brief de Rebellion*, eſt uſe quant un hõe apres Proclamation fait p̄ le Viſcount, ſur un Order ou Proceſs del Chancerie, ſouth penalty d̄ ſon Allegeãce a preſenter luy meſme al Court p̄ un jour certain, ne appiert pas. Et ceſt Cõmiſſion eſt direct p̄ voy de command al certain perſons, a fine que ils, ou trois, deux, ou un de eux, apprehendõt ou cauſont deſtre apprehend le partie, come un Rebel & Contemner de Leys le Roy, en quelcunque lieu q̄ ils luy troveront deins le Royalme, & d̄ preſenter luy ou luy cauſe deſtre preſent al Court ſur un jour en ceo aſſigne.

COmmiſſion of Rebellion, otherwiſe called a Writ of Rebellion, is uſed when a Man after Proclamation made by the Sheriff, upon an Order or Proceſs of the Chancery, under penalty of Allegiance to preſent himſelf to the Court by a Day certain, appears not. And this Commiſſion is directed by way of command to certain Perſons, to the end they, three, two, or one of them, ſhall apprehend or cauſe to be apprehended the Party, as a Rebel and Contemner of the King's Laws, in what place ſoever they ſhall find him within the Kingdom, and bring or cauſe him to be brought to the Court upon a Day therein aſſigned.

Committee.

Committee.

C*Ommittee* eſt ceſtuy ou ils a q̄ le conſideration ou ordinance d̄ aſcun choſe eſt refer, ou p̄ aſcun Court, ou conſent des parties a que il appertient: ſicome ē Parl̄m̄t un Bill eſteant lie, eſt ou

COmmittee is he or they to whom the conſideration or ordering of any matter is referred, either by ſome Court, or conſent of the Parties to whom it appertains: as in Parliament a Bill being read, is either conſented

consented unto and passed, or denied, and referred to the consideration of some certain Man appointed by the House, who thereupon are called a Committee. But this word is otherwise used by Kitchin, fol. 160. where the Widow of the King's Tenant is called the Committee of the King, that is, one committed by the ancient Law of the Land to the King's Care and Protection.

admit & pas, ou denie, ou refer al consideration d asc certein homes appoint p le Meason, les queux sur ceo sont appelles un *Committee*. Mes cest parol est autermt use p *Kitchin, fol.* 160. ou le Relict del Tenant le Roy est appel le *Committee le Roy*, cest ascavoir, un commise p l'ancient Ley del Terre al care & protection le Roy.

Common.

COmmon is the right that a Man hath to put his Beasts to Pasture, or to use the Ground that is not his own.

And note that there are divers Commons, that is, Common in grosse, Common appendant, Common appurtenant, and Common becaus̄e of Neighbourhood.

Common in gross is, where I, by my Deed, grant to another that he shall have Common in my Land.

Common appendant is, where a Man is seised of certain Land, to which he hath Common in another's Ground, only for those Beasts which compost the Land to which it is appendant, excepting Geese, Goats, and Hogs; which Common is by prescription, and of common right, and appendant to arable Land only.

Common appurtenant is of the same nature with Common appendant; but with all manner of Beasts, as well Hogs and Goats, as Horses, Kine, and such as compost the Ground. And this Common may be made at this Day, and severed from the Land to which it is

Common.

COmmon est le droit que home ad de mitter ses Beasts a Pasture, ou de user le Terre que nest son proper soile.

Et nota q̄ sont divers Commons, cest adire, *Common en grosse, Common appendant, Common appurtenant*, & *Common pur cause de vicinage.*

Common en grosse est, lou jeo, p mon Fait, grant a un auter que il avera Common en ma terre.

Common appendant est, lou home est seisie de certaine terre, a q̄ il ad Common en auter soile, solement p̄ ceux Beasts q̄ compost la Terre a que il est appendant, except Oysons, Chivers, & Porceaux; quel Common est p prescription, & d common droit, & il est appendat al terre arable solement.

Common appurtenant est de mesme nature ove Common appendant; mes est oveśque touts manners des Avers, cybien Porceaux & Chivers, cōe Chivals, Vaches, & tiels q̄ compost le terre. Et tiel Common poit estre fait a ceo jour, & sever del Terre a

que

que il eſt appurtenant, mes iſſint ne poit Common appendant.

Common pur cauſe de Vicinage eſt, lou les Tenants de deux Seigniors ſont ſeiſies de deux Seigniories d'ont l'un giſt pres l'auter; & cheſcun de eux ont uſe de temps d'ent memorie ne courre de aver Common en auter Ville oveſque touts Beaſts commonable.

Mes l'un ne poit mitter ſes Avers en le terre l'auter, car la ceux de l'auter Ville poient eux diſtraine Dammage feaſant, ou aver Actiō de Treſpaſſe: mes ils eux mittera en lour camps demeſne, & ſi ils eſtray en les camps del auter Ville, ils doient eux ſufferer. Et les Inhabitants de lun Ville ne doient mitter eins Beaſts tants cōe il's voile, mes ayant regard al Franktenement del Inhabitants de le auter, car autrement il ne ſerroit bone Vicinity, ſur que tout depend.

appurtenant, but ſo cannot Common appendant.

Common becauſe of Neighbourhood is, where the Tenants of two Lords are ſeiſed of two Mannors adjoyning to each other; and the Tenants have time out of mind intercommoned each with other with all manner of Beaſts commonable.

Yet the one may not put his Cattel in the others Ground, for ſo they of the other Town may diſtrain them Damage feſant, or have an Action of Treſpaſs: but they may put them into their own Fields, and if they ſtray into the Fields of the other Town, there they ought to ſuffer them. And the Inhabitants of the one Town ought not to put in as many Beaſts as they will, but with regard to the Inhabitants of the other, for otherwiſe it were no good Neighbourhood, upon which all this depends.

Common Fine.

Common Fine eſt un certain ſum̄ des deniers q̄ les Reſiants deins un Leet payont al Sūr del Leet; & eſt appel en aſcuns lieus *Capitagium* vel *Capitale argentum*, ē aſcuns lieus *Certum Letæ*, & fuit al primes (cōe ſemble) grant al Sūr vers le charge de ſon purchaſe del Leet, p̄ que les Reſiants avoyent ore un aiſe p̄ faire lour Suit royal deins l'Maňor, & nemy deſtre compells d aler al Tourne le Viſcount de faire ceo. Et p̄ ceſt Common Fine le Seignior doit preſcriber, & ne

Common Fine.

Common Fine is a certain ſum of Money which the Reſiants in a Leet pay unto the Lord of the Leet; and it is called in ſome places Head-ſilver, in ſome places Certum Letæ, and was (as it ſeems) firſt granted to the Lord towards the charge of his Purchaſe of the Leet, whereby the Reſiants had now an eaſe to do their Suit royal within the Manor, and not be compelled to go to the Sheriff's Tourn to do it. And for this Common Fine the Lord muſt preſcribe, and cannot diſtrain for

it without Prescription, as it appears in Godfrey's Case, 11 Rep. fol. 44. b.

Common Law.

COmmon Law is for the most part taken three ways. First, for the Laws of this Realm simply, without any other Law, as Customary, Civil, Spiritual, or whatever other Law joined to it; as when it is disputed in our Laws of England, what ought of right to be determined by the Common Law, and what by the Spiritual Law, or Admirals Court, or such like.

Secondly, it is taken for the King's Courts, as the King's Bench, or Common Place, only to shew a difference between them and base Courts; as Customary Courts, Court-Barons, County-Courts, Pipowders, and such like: as when a Plea of Land is removed out of ancient Demesne, because the Land is Frank-fee, and pleadable at the Common Law, that is to say, in the King's Court, and not in ancient Demesne, or in any other base Court.

Thirdly, and most usually, by Common Law is understood such Laws as were generally taken and holden for Law before any Statute was made to alter the same: for Example, Tenant for Life, nor for Years, were not to be punished for doing Waste at the Common Law, till the Statute of Gloucester, cap. 5. which gives an Action of Waste against them. But Tenant by the courtesie and Tenant in dower were

poit distrein p̄ ceo sans Prescription, cōe appiert ē *Godfrey's Case*, ē 11 *Rep. f.* 44. *b.*

Common Ley.

C*Ommon Ley* est p̄ le pluis part prise trois voies. Primerment, p̄ les Leyes de ceste Realme simply, sans ascun auter Ley, cōe Customarie, Civil, Spiritual, ou quecunque auter Ley joyne a ceo; come quant est dispute en nostre Leyes de *Engleterre*, quid doit d̄ droit estre determine p̄ le Commō Ley, & quid p̄ Spiritual Ley, ou le Court del Admiral, ou tielx semblables.

Secondarim̄t, il est pris p̄ les Courts le Roy, come le Bank le Roy, ou Common Place, tantsolem̄t p̄ monstre un difference perenter eux & les base Courts; come Customary Courts, Court-Barons, County-Courts, Pipowders, & tielx semblables: cōe quant un Plee de terre est remove hors de ancient Demesne, p̄ ceo q̄ le terre est Frank-fee, & pleadable al Common Ley, ceste adire, en le Court le Roy, & nemy en ancient Demesne, ou en ascun auter base Court.

Tiercement, & pluis usualment, p̄ *Common Ley* est entendue tielx Leyes que fueront generalment prise & tenus p̄ Ley devant q̄ ascun Statute fuit fait pur alter ceo: come pur Example, Tenant pur vie, ne pur ans, ne fueront destre punish p̄ fesans Wast al Common Ley, tanque le Statute d̄ *Glouc'ster, cap.* 5. le quel dōe un Actiō de Wast envers eux. Mes Tenāt p̄ le curtesie & Tenāt

en

en dower fueront punishable pur Wast al Common Ley, ceſt adire, per le uſual & common received Lēys le Realm, devant le dit Statute fuit fait.

punishable for Waste at the Common Law, that is, by the uſual and common received Laws of the Realm, before the ſaid Statute was made.

Common Pleas.

Common Pleas eſt le Court le Roy jammes tenus en le Sale de *Weſtminſter*, mes en ancient temps moveable, ſicome appiert p *Mag. Chart. cap.* 11.

Mes *Gwyn*, en le Preface a ſon Lecture, dit, Que jeſque le temps que *Henry* le tierce grant le Grand Charter, la fueront forſque deux Courts ſolement appel les Courts le Roy, de que un fuit l'Eſchequer, & l'auter le Banke le Roy, quel fuit appel auxy *Aula Regia*, p̄ ceo que el enſue le Court; & q̄ ſur le grant de cel Charter le Court d Common Plees fuit erect & ſettle en un lieu certain, *viz.* al *Weſtminſter*; & p̄ ceo touts les Briefs fueront faits ove ceſt Returne, *Quod ſit coram Juſticiariis meis apud Weſtmonaſterium*, ou devant le party fuit commaund p eux de appearer *coram Me vel Juſticiariis meis*, ſans aſcun addition de aſcun lieu certein.

Touts civil Cauſes, cybien Real cōe Perſonal, ſont, ou fueront ē ancient temps, trye en ceſt Court, accordant al ſtrict Ley del Royalm: Et p *Forteſcue, cap.* 50. il ſemble daver eſte le ſole Court p̄ Real Cauſes. Le primer Judge de ceo eſt appelle *Seigniour Chiefe Juſtice del Common Plees*, accompany ove trois ou quater Aſſiſtants ou Aſ-

Common Pleas.

Common Pleas is the King's Court now held in Weſtminſter-Hall, but in ancient time moveable, as appears by Mag. Chart. cap. 11.

But Gwyn, in the Preface to his Reading, ſaith, That until the time that Henry the 3d granted the Great Charter, there were but two Courts, only called the King's Courts, the Exchequer, and King's Bench, which was called Aula Regia, becauſe it followed the Court; and that upon the grant of that Charter, the Court of Common Pleas was erected and ſettled in a place certain, viz at Weſtminſter; and therefore all the Writs were made with this Return, Quod ſit coram Juſticiariis meis apud Weſtmonaſterium, where before the Party was commanded by them to appear coram Me vel Juſticiariis meis, without any addition of any place certain.

All civil Cauſes, as well Real as Perſonal, are, or were in ancient time, tried in this Court, according to the ſtrict Law of the Kingdom: And by Forteſcue, cap. 50. it ſeems to have been the only Court for Real Cauſes. The Chief Judge thereof is called The Lord Chief Juſtice of the Common Pleas, accompanied with three or four Aſſiſtants or Aſſociates,

ſſociates, who are created by the King's Letters Patents, nd as it were installed or laced upon the Bench by the Lord Chancellor and Lord Chief Justice of the Court, s appears by Forteſcue, cap. 1. who expreſſes all the cir=umſtances of this Admiſ=ion.

The reſt of the Officers ap=ertaining to this Court are hese: The Cuſtos Brevium, three Prothonotaries, Chirographer, ourteen Philaſers, four Exi=enters, Clerk of the War=ants, Clerk of the Juries, Clerk of the Treaſury, Clerk f the King's Silver, Clerk f the Eſſoins, Clerk of the Outlawries.

ſociates, que ſont create per Letters Patents del Roy, & ſicome fuit enſtalle ou place ſur le Bank p le Seigniour Chancellor & Seigniour Chiefe Juſtice del Courr, come appiert per *Forteſcue, cap.* 51. que expreſſe touts les circumſtances de cel Admiſſion.

Le reſidue des Officers appertinant a cel Court ſont ceux ; Le *Cuſtos Brevium*, trois Prothonotaries, Chirographer, dixe quater Philaſers, quater Exigenters, Clerk des Garrants, Clerk des Juries, Clerk del Treaſury, Clerk de Argent le Roy, Clerk des Eſſoines, Clerk des Utlagaries.

Common Day in Plea of Land.

Ommon Day in Plea of Land, Anno 13 R. 2. Stat. 1. cap. 17. gnifies an ordinary Day in e Court, as Octabis Michaelis, uindena Paſchæ, &c. as you ay ſee in the Statute 51 H. 3. ncerning general Days in the ench.

Common Jour en Plee de Terre.

Common Jour en Plee de Terre, Anno 13 *R.* 2. *Stat.* 1. *cap.* 17. ſignifie un ordinarie Jour en le Court, come *Octabis Michaelis, Quindena Paſchæ, &c.* come poies veier en le Statute 51 *H.* 3. concernant general jours en le Bank.

Commotes.

Ommotes ſeems to be a com= pound word, of the Pre=oſition Con, and Motio, that Dictio, Verbum, and ſigni=s in Wales part of a County Hundred, Anno 28 H. 8. p. 3. It is written Commoi=ies, Anno 4 H. 4. cap. 17. d is uſed for a Gathering ade upon the People of this that Hundred by Welſh Min=rils.

Commotes.

Commotes ſemble deſtre un parol compoſit, del Prepoſition *Con*, & *Motio*, i. e. *Dictio, Verbum*, & ſignifie en *Gales* le part dun Countie ou Hundred, *Anno* 28 *H.* 8. *cap.* 3. Il eſt eſcrie *Commoithes, Anno* 4 *H.* 4 *cap.* 17. & eſt uſe p un Collection fait ſur les Gents de ceo ou ceſt Hundred p Minſtrels de *Gales*.

Communia

Communi Custodia.

COmmuni *Custodia* est un Brief que gisoit pur cel Seigniour, le Tenant de quel tiendrant per service d Chivaler moruſt, ſon eigne fits deins age, envers un eſtranger, q̄ enter le terre, & obtaine le Gard del Corps, Il ſemble de prender le noſme del common Cuſtome ou droit ē ceo caſe, que eſt, Que le Seigniour avera le Gard de ſon Tenant jeſque ſon plein age; ou p̄ ceo, q̄ eſt common p̄ recoverie del Terre & Tenant, cōe appiert p le forme de ceo, *Veil Nat. Brev.* 89. *Regiſt. Orig.* 161.

Communi Cuſtodia.

COmmuni Cuſtodia is a Wr which did lie for that Lor whoſe Tenant holding b Knight's Service dies, his e deſt Son within age, again a Stranger who entred th Land, and obtained the War of the Body. It ſeems t take name from the commo Cuſtom or Right in this caſ which is, That the Lord ſha have the wardſhip of his T nant until his full age; b becauſe that it is common f the recovery both of the Lan and Tenant, as appears by th form thereof, Old Nat. Brev. 8 Regiſt. Orig. 161.

Compromiſe.

COmpromiſe eſt un mutual Promiſe de deux ou pluſors parties que ſont al controverſie, pur ſubmitter eux meſmes & touts differences enter eux al Agard, Arbitrement, ou Judgement dl un ou pluſors Arbitrators, enter eux indifferentment eſlieu, pur determiner & adjudger des touts matters referres, & ſur q̄ les parties differont.

Compromiſe.

COmpromiſe is a mutual Pr miſe of two or more Partie that are at controverſie, t ſubmit themſelves and all di ferences between them unto th Award, Arbitrement, or Judg ment of one or more Arbitra tors, indifferently choſen b tween them, to determine an adjudge upon all matters r ferred, and upon which th Parties differ.

Computation.

COmputation eſt uſe en le Common Ley pur le voyer & indifferent Conſtruction d temps, iſſint que ne le un partie ferra tort al auter, ne le determinatiō de temps, referre a large, deſte priſe un voy ou auter, mes compute accordant al droiturel cenſure de la Ley.

Computation.

COmputation is uſed in th Common Law for the tru and indifferent Conſtruction time, ſo that neither the o Party ſhall do wrong to th other, nor the determination times, referred at large, taken one way or other, b computed according to the ju cenſure of the Law.

Is if Indentures of Demiſe are ingroſſed, bearing date the eleventh Day of May, 1665. to have and to hold the Land in S. for three Years from henceforth, and the Indentures are delivered the fourth Day of June in the Year aforeſaid: In this caſe, from henceforth, ſhall be accounted from the Day of the delivery of the Indentures, and not by any computation from the Date. And if the ſaid Indenture be delivered at Four of the Clock in the Afternoon of the ſaid fourth Day, this Leaſe ſhall end the third Day of June in the third Year; for the Law in this Computation rejects all fractions or diviſions of the Day, for the incertainty, which always is the Mother of Contention. So where the Statute of Inrollments made anno 27 Hen. 8. cap. 6. is, That the Writings ſhall be enrolled within ſix Months after the Date of the ſame Writings indented; if ſuch Writings have Date, the ſix Months ſhall be accounted from the Date, and not from the Delivery; but if they want Date, then it ſhall be accounted from the Delivery. Coke, lib. 5. fol 1.

If any Deed be ſhewed to the Court at Weſtminſter, the ſame by Judgment of the Law ſhall remain in Court during the Term in which it is ſhewed; for all the Term in Law is but one Day. Coke, lib. 5. f. 47.

If a Church be void, and the true Patron doth not preſent within ſix Months, then the Biſhop of the Dioceſs may collate his Chaplain; but theſe

Come ſi Indentures de Demiſe ſont ingroſſe, portant date le uniſme jour de *May*, 1663. de aver & tener le terre en S. p̄ trois ans d ceſt temps, & les Indentures ſont deliver le quart jour de *June* en le an avant-dit: En ceſt caſe, *de ceſt temps*, ſerra account del jour del Deliverie des Indentures, & nemy p aſ un computation del Date. Et ſi le dit Indenture ſoit deliver al quart de la horologe puis meridie le dit quart jour, ceſt Leas finiera le tierce jour de *June* en le tierce an; car la Ley en ceſt Computation reject touts fractions ou diviſions del jour, pur le incertainty, que touts foits eſt le mere de Contention. Iſſint ou le Statute de Enrolments fait *Anno* 27 *Hn.* 8. *cap* 16. eſt, Que les Eſcri ts ſerront inrolle deins ſixe moyes apres le Date de meſme les Eſcripts indent, ſi tiels Eſcripts ont Date, les ſixe moyes ſerront account del Date, & nemy del Deliverie: mes ſi fault Date, donque il ſerra account del Deliverie. *Coke*, *lib.* 5. *f* 1.

Si aſcun Fait eſt monſtre a un Court al *Weſtminſter*, le Fait per Judgement del Ley remain en Court tout le Terme en que ceo eſt monſtre; car tout le Terme ē Ley neſt q̄ un jour. *Coke*, *lib.* 5. *f* 74.

Si un Egliſe happa void, & le veray Patron ne p̄ſenta deins ſixe moyes, donques le Eveſque del Dioces puit collate ſon Chaplein: mes

ceux ſize Moyes ne ſerra account accordant al vint huit Jours al Moyes, mes accordant al Kalendar. Et la eſt grand diverſitie en noſtre common parlance ẽ le ſingular numbre; come un *Twelve-month*, que conclude tout l'An ſolonque le Kalendar, & *Twelve-months*, que ſerra compute ſolonque vint huict jours a cheſcun Moyes. Veies *Coke, lib. 6. fol. 61. b.*

ſix Months ſhall not be computed according to twenty eight Days to the Month, but according to the Kalender. And there is great diverſity in our common ſpeech in the ſingular number, as a Twelve-Month, which includes all the Year, according to the Kalender, and Twelve Months, which ſhall be computed according to twenty eight Days to every Month. See Coke, lib. 6. fol. 61. b.

Computo.

Computo eſt un Brief iſſint appel del effect, pur ceo que il enforce un Bailiffe, Chamberlain, ou Receiver, a render ſon Account. *Veil N. B. fol.* 58. Il eſt foundue ſur le Statute de *Weſt.* 2. *c.* 2. le quel pour voſtre mieux intelligence vous poyes lier. Et il auxy giſt p̃ Executors de Executors. 15 *Edw.* 3. *Stat. de Proviſ. Victual. cap.* 5. Tiercem̃t, envers le Gardein en Socage, pur Waſt fait en le minority del Heire, *Marlb. cap.* 17. Et veies pluis en queux auters caſes il giſt, *Reg. Orig. fol.* 135. *Veil Nat. Brev. f.* 58. *& Fitz. Nat. Brev. fol.* 116.

Computo.

COmputo is a Writ ſo called of the effect, becauſe it compels a Bailiff, Chamberlain, or Receiver, to yield his Account, Old Nat. Brev. fol. 58. It is founded upon the Statute of Weſt. 2. cap. 2. which you may for your better underſtanding read. And it alſo lies for Executors of Executors. 15 Ed. 3. Stat. de Proviſ. Victual. cap. 5. Thirdly, against the Guardian in Socage for Waſte made in the Minority of the Heir, Marlb. cap. 17. And ſee farther in what other caſes it lies, Reg. Orig. fol. 135. Old Nat. Brev. fol. 58. & Fitz. Nat. Brev. fol. 116.

Concealers.

Concealers ſont tiels q̃ trovont terres conceal, ceo eſt, tiels terres q̃ ſont priviment deteine del Roy per common Perſons, ne ayant pas aſcun choſe de monſtre p̃ eux, *Anno* 39 *El. c.* 22. Ils ſont iſſint appel *a concelando*, come *Mors a movendo*, per Antiphraſin.

Concealers.

COncealers are ſuch as find out Lands concealed, that is, ſuch Lands as are ſecretly detained from the King by common Perſons, having no thing to ſhew for them, Anno 39 Eliz. cap. 22. They are called a concelando, as Mors a movendo, by Antiphraſis.

Concluſio

Concluſion.

Concluſion is, when a Man by his own act upon record hath charged himſelf with a Duty or other thing: As if a Free-man confeſs himſelf to be the Villain of A. upon Record, and afterward A. takes his Goods, he ſhall be concluded to ſay in any Action or Plea afterwards that he is free, by reaſon of his own confeſſion. So if the Sheriff, upon a Capias to him directed, returns that he hath taken the Body, and yet hath not the Body in Court at the Day of the Return, he ſhall be amerced: and if it were upon a Capias ad ſatisfaciend', the Plaintiff may have his Action againſt the Sheriff for the Eſcape; for by ſuch Return, the Sheriff hath concluded himſelf.

And this word Concluſion is taken in another ſenſe, as for the End or latter part of any Declaration, Barr, Replication, &c. As where to the Barr there ought to be a Replication, the Concluſion of his Plea ſhall be, And this he is ready to affirm. If in Dower the Tenant pleads, that he was never ſeiſed ſo as to render Dower, the Concluſion ſhall be, And upon this he puts himſelf upon the Country. And in what manner the Concluſion ſhall be according to the nature of ſeveral Actions, ſee Kitch. f. 219, 220, &c.

Concord.

Concord is defined to be the very Agreement between Parties that intend the levying a Fine of Lands one to another, how and in what

Concluſion.

Concluſion eſt, quant home per ſon fait demeſne ſur record ad charge luy meſme ove aſcun Duty ou auter choſe: Come ſi home q̄ eſt Frank confeſſe luy meſme deſtre Villain d̄ *A.* ſur record, & apres *A.* priſt ſes biens, il ſerra conclude adire ē aſcun Action ou Plee ē apres que il eſt Frank, per reaſon de ſon confeſſion demeſne. Iſſint ſi le Viſcount, ſur un *Capias* a luy direct, return quod *Cepit Corpus*, & uncore nad le corps ē Court al jour del Retorn, il ſerra amercie: & ſil fuit ſur un *Capias ad ſatisfaciend'*, le Plaintiffe poet aver ſon Action envers le Viſcount p̄ le Eſcape; car per tiel Retourne le Viſcount ad *conclude* luy meſme.

Et ceſt parol *Concluſion* eſt priſt en un auter ſenſe, cōe p̄ le Fine ou darrein part de aſcun Declaration, Barre, Replication, &c. Come ou al Barre covient eſtre un Replication, le Concluſion de ſon Plee ſerra, *Et hoc paratus eſt verificare.* Si en Dower le Tenant pleda, ne unques ſeiſie q̄ Dower doit render, le Concluſion ſerra, *Et de hoc ponit ſe ſuper Patriam.* Et ē quel manner le Concluſion ſerra accordant al nature des ſeveral Actions, veies *Kitch. f.* 219, 220, *&c.*

Concord.

Concord eſt define deſtre le voyer Agreement entre Parties que entendont le levying d̄ un Fine d̄ Terres un al auter, quel voy & en

quel manner les Terres ſerront paſſe : car en le forme de ceo pluſors choſes ſont deſtre conſider. Vide *Weſt. part 2. tit. Fines & Concords, ſect.* 30.

Concord eſt auxy un Agreemt fait ſur aſcun Treſpaſſe commit perenter deux ou pluſors, & eſt divide en un Concord Executorie, & Execute. Vide *Plow. Caſe Reniger & Fogaſſe, fol.* 5 & 6 ou il appear p le opinion de aſcuns, Que l'un ne lia pas, cõe eſteat defective ; l'auter, eſteant abſolute oblige les Parties. Et uncore p le opinion de auters, en meſme le caſe, il eſt affirm. Que Concords Executorie ſont perfect, & ne meynes lyeront pas q̃ Concords Executed, *fol.* 8. *b.*

Eſt teign d̃ tardiffe temps, que entant que Actions ſur aſſumpſirs ſont ore en uſe queux fueront rare devant le reigne de Roy *H.* 8. que ore un accord ove un aſſumpſit ſur quel un Action giſt eſt bone Plea en touts ceux Actions, a queux ceo devant fuit bone Plea ſi fuit execute.

manner the Lands ſhall be paſſed ; for in the form thereof many things are to be conſidered. See Weſt part 2. tit. Fines and Concords, ſect. 30.

Concord is alſo an Agreement made upon any Treſpaſs committed between two or more, and is divided into a Concord Executory, and Executed. See Plow. in Reniger and Fogaſſe's Caſe, fol 5 & 6. where it appears by the opinion of ſome, That the one doth not bind, as being imperfect ; the other, being abſolute, binds the Parties. And yet by the opinion of others, in the ſame caſe, it is affirmed, That Concords Executory are perfect, and do no leſs bind than Concords Executed, fol. 8. b.

It is lately held, that in as much as Actions on aſſumpſits are now in uſe, which were rarely before the Reign of King H. 8. that now an accord with an Aſſumpſit upon which an Action lies is a good Plea in all thoſe Actions to which it was formerly a good Plea if executed.

Concubinage.

Concubinage eſt un Exception vers luy que port Action p̃ ſa Dower, p̃ que il eſt alledge, Que el ne fuit loyalment eſpouſe al Partie en queux Terres el quere deſtre endowe, mes ſon Concubine. *Brit. cap.* 107. *Brit. lib.* 4. *tract.* 6. *cap.* 8.

Concubinage.

Concubinage is an Exception againſt her that brings an Action for her Dower, whereby it is alledged, That ſhe was not lawfully married to the Party in whoſe Land ſhe ſeeks to be endowed, but his Concubine. Brit. cap. 107. Bract. lib. 4. tract. 6. cap. 8.

Conder

Conders.

COnders are thoſe that ſtand upon high places near the Sea-coaſt, at the time of Herring-fiſhing, to make ſigns with Boughs, &c. in their Hands to the Fiſhers, which way the ſhole of Herrings paſſes: for they who ſtand upon ſome high Cliff may ſee it better than thoſe that are in their Ships. Theſe are otherwiſe called Huers and Balkers, as appears by the Statute of 1 Jac. cap. 23.

Condition.

COndition is a Reſtraint or Bridle annexed to a thing, ſo that by the not performance, or not doing of it, the Party to the Condition ſhall receive prejudice and loſs, and by the performance and doing of it, commodity and advantage.

All Conditions are either Conditions actual and expreſſed, which are called Conditions in Deed; or elſe implied or covert, and not expreſſed, which are Conditions in Law.

Alſo all Conditions are either Conditions precedent and going before the Eſtate, and are executed; or elſe ſubſequent and following after the Eſtate, and executory.

Condition precedent doth get and gain the Thing or Eſtate made upon Condition, by the performance of it.

Condition ſubſequent keeps and continues the thing or Eſtate made upon Condition, by the performance of it.

Conders.

C*Onders* ſont tiels q̃ eſtoiant ſur les alt lieus prochein al coaſt del Mere, al temps del piſcary p̃ Haleques, a faire ſignes ove ramaus, &c. en lour maines al Piſcaters, quel voy le troupe des Haleques paſſont; car ils que eſtoyant ſur aſcun alt Petre poyent ceo mieux veier q̃ tiels q̃ ſont en lour Neifes. Ceux ſont auterment appel *Huers* & *Balkers*, come appiert p̃ le Statute de 1 *Jac. cap.* 23.

Condition.

C*Ondition* eſt un Reſtraint ou Bridle annex al choſe, iſſint q̃ per le non performance, ou feaſans de ceo, le Partie al Condition receivera prejudice & perde, & per le performance & faire de ceo, commoditie & advantage.

Touts Conditions ſont ou Conditions actual & expreſſe, queux ſont appel *Conditions en Fait*; ou ils ſont implicit ou tacite, & nient expreſſe, les queux ſont *Conditions en Ley*.

Auxy touts Conditions ſont ou Conditions precedent & vaiant devant l'Eſtate, & ſont executed; ou ſubſequent & venient apres l'Eſtate, & executorie.

Le *Condition precedent* gain & obtain le Choſe ou Eſtate fait ſur Condition, per le performance de le Condition.

Le *Condition ſubſequent* gard & cõtinue le choſe ou Eſtate fait ſur Condition, per le performance del ycel.

Actual & expresse Condition, q̄ est appelle un Condition en Fait, est un Condition annexe p̄ expresse parols a Feoffm̄t, Lease, ou Graunt, ou en escript, ou sans escript: Si come jeo enfeoffe un hōe en Terres, reservant Rent destre payed a tiel Feast, sur Condition, que si le Feoffee faile de payment al jour donques il serra loyal pur moy de reenter.

Actual and expresse Condition, which is called a Condition in Deed, is a Condition annexed by express words to the Feoffment, Lease, or Grant, either in writing, or without writing: As if I infeoff a Man in Lands, reserving a Rent to be paid at such a Feast, upon Condition, that if the Feoffee fail of payment at the day, then it shall be lawful for me to re-enter.

Condition implicite ou tacit' est, quāt hōe graunt al auter le Office destre Gardein de un Park, Seneschal, Bedle, Bailif, ou tiels semblables, pur terme de vie: & nient obstant que la ne soit ascun Condition expresse en le Graunt, uncore le Ley parle covertment d un Condition, quel est, Que si le Grantee ne executa pas touts points apperteignont a son Office, p̄ luy mesme ou son sufficient Deputy, donque serra loyal pur le Grantor de enter, & discharge luy de son Office.

Condition implied or covertis, when a Man grants to another the Office to be Keeper of a Park, Steward, Bedle, Bailiff, or such like, for term of Life; and though there be no Condition at all expressed in the Grant, yet the Law speaks covertly of a Condition, which is, That if the Grantee doth not execute all points appertaining to his Office, by himself or his sufficient Deputy, then it shall be lawful for the Grantor to enter, and discharge him of his Office.

Condition precedent est, quāt un Lease, est fait al un pur vie, sur Condition, Que si le Lessee voyle payer al Lessor xx l. a tiel jour, donques il avera Fee-simple: icy le Condition precede l'Estate ē Fee-simple, & sur le performance de Condition gain Fee-simple.

Condition precedent is, when a Lease is made to one for Life upon Condition, That if the Lessee will pay to the Lessor xx l. at such a Day then he shall have Fee-simple: here the Condition precedes the Estate in Fee-simple, and upon the performance of the Condition doth gain the Fee-simple.

Condition subsequent, & veniens apres, est quant un grant a J. S. son Mannor de *Dale* en Fee-simple, sur Condition, Que le Grauntee payer a luy a tiel jour xx l. ou auterment q̄ son Estate

Condition subsequent, and coming after, is, when one grants to J. S. his Manor of Dale in Fee-simple, upon Condition, That the Grantee shall pay to him at such a Day xx l. or else that his Estate

hall ceaſe: here the Condition is ſubſequent and following the Eſtate in Fee, and upon the performance thereof doth continue the Eſtate.

He who will take advantage of a Condition ought to be Party or privy to it, Doct. & Stud. cap. 20, 24.

See more of this in Cok. lib. 3. f. 64. and in Lit. lib. 3. cap. 5. and Perkins in the laſt Title of Conditions.

ceſſera: icy le Condition eſt ſubſequent & enſuant le Eſtate en Fee, & ſur le performance de ycel continue l'Eſtate.

Ceſtuy qui voet prender advantage de un Condition doit eſtre Party ou privy al ceo, *Doct. & Stud. cap* 20, 24.

Veies pluis de ceo ē *Cok. lib.* 3. *f.* 64. & en *Lit. lib.* 3. *cap.* 5. & *Perkins* Titulo ultimo d *Conditions.*

Confederacy.

COnfederacy is, when two or more confederate themſelves to do any hurt or damage to another, or to do any unlawful thing. And though a Writ of Conſpiracy doth not lie, if the Party be not indicted, and in lawful manner acquitted, for ſo are the words of the Writ; yet falſe Confederacy between divers Perſons ſhall be puniſhed, though nothing be put in ure: and this appears by the Book of 27 Aſſ. placit. 44. where there is a note, That two were indicted of Confederacy, each of them to maintain other, whether their matter were true or falſe, and though nothing was ſuppoſed to be put in ure, the Parties were put to anſwer, becauſe this thing is forbidden in the Law. So in the next Article in the ſame Book, Enquiry ſhall be made of Conſpirators and Confederators, which bind themſelves together, &c. falſly to indite or acquit, &c. the manner of their binding, and between whom: which proves alſo, that Confederacy to inſtit or acquit, although no-

Confederacy.

C*Onfederacy* eſt, quant deux ou pluſors luy meſmes confedere d faire aſcun male ou damage al auter, ou de faire aſcun choſe illoyal. Et coment q̄ Brief de Conſpiracy ne giſt, ſinon q̄ le Partie ſoit endite, & ē loyal manner acquite, car iſſint ſont les parols del Breve; uncore faux Confederacie inter divers Perſons ſerra punie, com̄t q̄ nul choſe ſoit miſe en ure: & ceo appiert p̄ le Livre de 27 *Aſſiſ. placit.* 44. ou la eſt un note, Que deux fueront endite d Confederacie, cheſcun de eux a maintain auter, le q̄ lour meiſtre ſoit veray ou faux; & nient obſtant q̄ nul choſe fuit ſuppoſe deſtre miſe en ure, les parties fueront mis a reſponder, p̄ ceo que ceo choſe eſt defendue ē la Ley. Iſſint en le prochein Article en meſme le Livre, Enquirie ſerra fait de Conſpirators & Confederators, q̄ ſoy enter eux ils liont, &c. de fauxem̄t endite ou acquitte, &c. le manner del alliance, & enter queux: quel prove auxy, que Confederacie de enditor ou acquitter, com̄t q̄

rien ſoit execute, eſt puniſhable p̄ le Ley. Et eſt deſtre obſerve, que ceux Confederacies puniſhable per Ley devant que ils ſont execute, covient de aver quater incidents: Primerment, eſtre declare p̄ aſcun matter de proſecution, cōe p̄ feaſant d̄ Bonds ou Promiſes l'un al auter; ſecondem̄t, eſtre malicious, cōe p̄ unjuſt Revēge; tiercem̄t, eſtre faux encount' un innocent; & dernierm̄t, eſtre hors de Court, voluntariment.

thing be done, is puniſhable by the Law. And it is to be obſerved, that this Confederacy puniſhable by Law before it be executed, ought to have four incidents: Firſt, to be declared by ſome matter of Proſecution, as by making of Bonds or Promiſes the one to the other; ſecondly, to be malicious, or for unjuſt Revenge; thirdly, to be falſe againſt an innocent; and laſtly, to be out of Court, voluntarily.

Confeſſion del Offence.

Confeſſion of Offence.

C*Onfeſſion del Offence* eſt, quant un Priſoner eſt appeal ou indite de Treaſon ou Felonie, & trahe al Barre deſtre arraigne, & ſon Indictment eſt lie a luy, & il eſt demande p̄ le Court que il voile dire a ceo; donque ou il confeſſe le Offence & le Indictment deſtre voyer, ou il eſtrange luy meſme del Offence, & plede Nient culpable, ou auterment done un indirect reſpons, & iſſint en effect eſtoia mute.

Confeſſion poit eſtre fait en deux ſorts, & a deux ſeveral fines. L'un eſt, il poit confeſſe le Offence de que il eſt indict appiertment en le Court devant le Judge, & ſubmit luy meſme al cenſure & judgement de Ley; quel Confeſſion eſt le pluis certain q̄ poit eſtre deliver al Judge a condemner le Offendor, iſſint que il proceda frankment & de ſon volunt demeſne, ſans aſcun menace, force, ou extremitie uſe;

COnfeſſion of Offence is, when a Priſoner is appealed or indicted of Treaſon or Felony, and brought to the Bar to be arraigned, and his Indictment is read unto him and he is demanded by the Court what he can ſay thereto; then either he confeſſes the Offence and the Indictment to be true, or he eſtranges himſelf from the Offence and pleads Not guilty, or elſe gives an indirect anſwer, and ſo in effect ſtands mute.

Confeſſion may be made in two ſorts, and to two ſeveral ends. The one is, he may confeſs the Offence where he is indicted openly in the Court before the Judge, and ſubmit himſelf to the cenſure and judgment of the Law, which Confeſſion is the moſt certain anſwer and beſt ſatisfaction that may be given to the Judge to condemn the Offender, ſo that it proceed freely and of his own accord without any threats, force, or extremity uſed; for if the Confeſ-

ſſion ariſe from any of theſe
uſes, it ought not to be re-
ded. As a Woman was
dicted for the felonious ta-
ng of Bread to the value
two Shillings, and being
reof arraigned, ſhe confeſſed
e Felony, and ſaid, that ſhe
d it by the commandment of
r Husband; and the Judges
pity would not record her
onfeſſion, but cauſed her to
ead Not guilty to the Fe-
ny: whereupon the Jury
und, that ſhe ſtole the Bread
the compulſion of her Huſ-
nd againſt her will, for
hich cauſe ſhe was diſcharged.
Aſſiſ. placit. 50.

The other kind of Confeſſion
, when the Priſoner confeſ-
s the Indictment to be true,
d that he hath committed
e Offence whereof he is in-
ſted, and then becomes an
pprover, that is, an Accuſer
others who have commit-
d the ſame Offence whereof
is indicted, or other Of-
nces with him; and then
ays the Judge to have a Co-
ner aſſigned him, to whom
may make relation of thoſe
ffences, and the full circum-
nces thereof.

There is alſo a third kind
Confeſſion made by an Of-
nder in Felony, which is not
Court before the Judge,
the other two are, but be-
e a Coroner in a Church or
her privileged place, upon
hich the Offender, by the
cient Law of the Realm, is
abjure the Realm.

car ſi le Confeſſion ſurde
de aſcun de ceux cauſes,
il ne doit eſtre recorde.
Come feme fuit indict pur
le felonious embleer d Pane
al value de 2 s. & eſteant
de ceo arraigne, el con-
feſſe le Felonie, & dit que
el ceo fait p le commande-
ment de ſa Baron; & les
Judges en compaſſion ne
voillent recorder ſa Con-
feſſion, mes cauſe luy de
pleader Non culpable al Fe-
lonie: ſur q̄ le Jurie trove
que el emblee le Pane per
le compulſion de ſa Baron
encounter ſa volunt, p quel
meiſtre el fuit diſcharge.
27 *Aſſiſ placit.* 50.

L'auter ſort de *Confeſſion*
eſt, quant le Priſoner con-
feſſe l'Endictment deſtre
voyer, & q̄ il ad commit
le Offence de q̄ il eſt en-
dict. & donque devient un
Approver, ceſt adire, un
Accuſer d auters queux ont
commit meſme le Offence
de q̄ il eſt endict, ou auters
Offences ove luy; & don-
que pria le Judge daver un
Coroner aſſigne a luy, a que
il poit faire relation d ceux
Offences, & del pleine cir-
cumſtances de eux.

La eſt auxy un tierce ſort
d *Confeſſion* fait p un Offen-
dor en Felonie, que neſt en
Court devant le Judge, cōe
l'auters deux ſont, mes de-
vant le Coroner ē un Eſgliſe
ou auter lieu priviledge, ſur
que l'Offendor p l'ancient
Ley del Royalme eſt d faire
ſon abjuration hors del
Royalme.

Confirmation.

Confirmation eſt, quant un que avoit droit al aſcun Terres ou Tenements fait un Fait a un auter que voit ent le poſſeſſion ou aſcun eſtate, oveſque ceux parolx, *Ratifi oſſe*, *Approbaſſe*, *Confirmaſſe*, ove entent de enlarger ſon eſtate ou fair' ſon poſſeſſion pfect, & nīet defeaſible p luy que fait le Confirmation ne p aſcun auter q̄ poit aveigner a ſon droit.

Dont veies plus ē *Lit. lib.* 3. *cap.* 9. de *Confirmation.*

Confirmation.

Conformation is, when on who hath right to an Lands or Tenements make a Deed to another who hat the poſſeſſion or ſome Eſtate with theſe words, Ratificaſſe Approbaſſe, Confirmaſſe, wit intent to enlarge his Eſtate or make his poſſeſſion perfect and not defeſible by him tha makes the Confirmation, or b any other that may have hi right.

Whereof ſee more in Lit. l. cap. 9. of Confirmation.

Confiſcate.

Confiſcate, ceſt parol eſt prise del *Latin* parol *Fiſcus*, que originalment ſignifie un Hanap ou Fraile, mes p implication le Treaſure del Soveraigne, p ceo q̄ en veiel temps il fuit mis en Hanaps ou Frailes. Et nient obſtant que noſtre Roy ne mis ſon Treaſure en tiels choſes, uncore cōe les *Romans* ont dit, que tiels biens q̄ fueront forfeit al Treaſure del Emperor eſteant *Bona Confiſcata* en meſme le manner nous diomus de tiels biens que ſont forfeit al Eſchequer de noſtre Roy. Et le title de aver ceux biens eſt done al Roy p le Ley, quant ils ne ſone claime p aſcun aut'; Come ſi home ſoit indite, q̄ il felonioufmēt emblee les biens dun aut' home, lou en veritie ils ſont les prop biens l'ēditee, & ils ſont miſes en Court vers luy come maneur, & la demād eſt de luy, que il dit as dits biens; as queux il diſclaima: per cel Diſclaimer il perdra les biens, coment

Confiſcate.

Confiſcate is derived from t Latin Fiſcus, which orig nally ſignifies a Hamper Basket, but metonymical the Princes Treaſure, becau in ancient time it was p in the Hampers or Frail And though our King doth n put his Treaſure in ſu things, yet as the Romans ha ſaid, that ſuch Goods as we forfeited to the Emperors Tre ſury were Bona Confiſcata, like manner do we ſay of ſu Goods as are forfeited to t Kings Exchequer. And t title to have theſe Goods is ven to the King by the La when they are not claimed ſome other: As if a Man indicted, that he Feloniou Stole the Goods of anot Man, where in truth they the proper Goods of him ditted, and they are brou in Court againſt him as manner, and he there as what he ſays to the ſaid Goo to which he diſclaims: this Diſclaimer he ſhall the Goods, although that af wa

ds he be accquitted of the ony, and the King ſhall have n as confiſcated. But other- e it is, if he doth not laim them.

The ſame Law is where ds are found in the Felons ſſion, which he diſavows; afterwards is attainted of r Gwds, and not of them; e the Gwds which he diſa- s are confiſcate to the King: t had he been attainted of ſame Gwds, they ſhould e been ſaid to be forfeited, not confiſcate, notwithſtan- g his Diſavowment. So n Appeal of Robbery be ught, and the Plaintiff es out ſome of the Gwds, he l not be received to enlarge Appeal; and foraſmuch as e is none to have the Gwds eſt out, the King ſhall have n as confiſcate, according the old rule, Quod non capit iſtus, capit Fiſcus. And as he caſe aforeſaid the Law iſhes the owner for his ligence and connivency, ſo Law abhors malice, in ing the Blood of any with- juſt cauſe. And therefore hath the Gwds of B. by bery, or finding, and B. ngs an Appeal againſt A. taking them Felonioufly, it is found that they were Plaintiff's Goods, and that Defendant came lawfully hem; in this caſe the Goods confiſcate to the King, be- ſeek the falſe and malicious peal.

ee more in Stamf. pl. Cor. cap. 24 3. Inſt. fol. 227.

que apres ils ſoit acquite del Felonie, & le Roy eux avera come confiſq. Mes auterment eſt, ſil ne diſclayma eux

Meſm̃ le Ley eſt ou biens ſont troves en le poſſeſſion dun Laron, queux il diſavowa, & puis eſt attaint de aut's biens, & nemy de ceux; icy les biens queux il diſavowa ſont al Roy confiſques: Mes uſſoit il attaint de meſmes les biens, ils ſerroient aver eſte appelles *forfeits*, & nemy *confiſques*, nient obſtant ſon Diſavowment. Iſſint ſi Appeal de Robberie ſoit port, & le Plaintiff interleſſa aſcun de ſes biens, il ne ſerra receive de enlarger ſon Appeale; & entant que nul eſt icy daver les biens iſſint interleſſe, le Roy eux avera come confiſque, accordant al veil dit, *Quod non capit Chriſtus, capit Fiſcus*. Et come en le caſe avantdit le Ley punie le owner p̄ ſon negligẽce ou connivencie, iſſint le Ley abhorre malice, en querance le ſanke daſcun ſans juſt cauſe. Et p̄ ceo ſi *A.* ad l' biens de *B.* p̄ baiſm̃t, ou trover, & *B.* port Appeale vers *A.* p̄ prender eux felonioufm̃t, & eſt trove q̄ eux fueront les biens le Plaintiff, & que le Defendant vient a ceux loyalment; en ceſt caſe ceux biens ſerrõt confiſque al Roy p̄ le faux & malicious Appeale.

Veies plus en *Stamf. pl. Cor. l.* 3. *cap* 24. 3 *Inſt. fol.* 227.

Congeable.

Congeable.

Congeable veigne del parol Francois *Conge, id eſt, venia*, & ſignifie en noſtre Common Ley tant come loyal, ou loyalment fait; & iſſint eſt uſe p *Littleton* en ſon 410. *ſect.* lou il dit, q̃ l'*Entry del Diſſeiſee eſt congeable.*

Conge de Accorder.

Conge de Accorder ſignifie licenſe de accorder, de quel mentiõ eſt fait en le Statute de *Fines*, 18 *E.* 3. en ceux parols. Quant le Original Brief eſt deliver en le preſence des Parties devant les Juſtices, un Pleader dira ceo, *Sir juſtice, conge de accorder.* Et le Juſtice dirra a luy, *Que dit Sir P.* & noſmera un des Parties, &c.

Conge d'eſlire.

Conge d'eſlire, Venia eligendi, eſt le Permiſſion Royal d Roy a aſcun Deane & Chapter en temps de Vacation d eſlire un Eveſque; ou a un Abbey ou Priorie d ſon foundation demeſne, de eſlire lour Abbot ou Prior. *Fitzh. Nat. Brev. fol.* 169. *b.* 170. *b. c. &c.* Monſieur *Gwyn* en le Preface a ſes Lectures dit, Que le Roy d *Angleterre*, come Soveraine Patron d touts Archieveſqueries, Eveſqueries, & auters Benefices Eccleſiaſtical, ad de ancient temps frank diſpoſition de touts Dignities Eccleſiaſtical, oucunque ils happa deſtre void, inveſtant eux primerment *per baculum & annulum,*

Congeable.

Congeable comes of t French word Conge, id e venia; and ſignifies in o Common Law as much lawful, or lawfully done; a ſo Littleton uſes it in his 4 ſect. where he ſays, that t Entry of the Diſſeiſee is cong able.

Conge de Accorder.

Conge de Accorder ſignif leave to accord, of wh mention is made in the S tute of Fines, 18 E. 3. in th words. When the Origi Writ is delivered in preſe of the Parties before the J ſtices, a Pleader ſhall ſay t Sir Juſtice, conge de accor And the Juſtice ſhall ſay him, What ſaith Sir P. a ſhall name one of the P tics, &c.

Conge d'eſlire.

Conge d'eſlire (i. Leave to ch or Power of chuſing) is King's Royal Permiſſion any Dean and Chapter time of Vacancy to chuſ Biſhop; or to an Abbey Priory of his own foundat to chuſe their Abbot or P Fitz. Nat. Brev. fol. 169. b. b. c. &c. Maſter Gwin in Preface to his Readings ſa That the King of England Sovereign Patron of Archbiſhopricks, Biſhop and other Eccleſiaſtical nefices, had of ancient tree diſpoſition of all E ſiaſtical Dignities whe ver they happened to be inveſting them firſt per lum & annulum, and a

rds by his Letters Patents; d that in progress of time y gave power to others to ke Election under certain ms and conditions; as, mely, that they upon every cation should beg of the ng Conge d eslire, that is, ense to proceed to Election, d after to crave his Royal sent, &c. And farther he irms, by good proof out of Common-Law Books, t King John was the first t granted it, and that it s afterward confirmed by tim. 1. cap. 1. which Sta- e was made Anno 3 E 1. d again by the Statute Art. Cleri, cap. 2. which s ordained Anno 25 E. 3. t. 3.

Conjuration.

Onjuration is a Compact or Plot made by Men com- ing themselves together by th or Promise to do any olick harm. But it is more monly used for such as have sonal Conference with the vil or evil Spirit, to know y Secret, or to effect any rpose. Anno 5 Eliz. c. 16. d the difference between Con- ation and Witchcraft may his: Because the one seeks Prayers and Invocation n the powerful Name of d, to compel the Devil to or do what he commands; d the other doth it rather a friendly and voluntary nference or Agreement be- en him or her, and the De- or Familiar, to have his or desires and purposes effect- nstead of Blood or other Gift red him, especially of his her Soul. And both these

& puis p ses Letters Patents; & q̄ en progresse d temps ils doe poyer as autres a fair Election south ascun formes & conditions; come nosement, que ils a chescun Vacation demanderont del Roy *Conge d eslire*, cest ascavoir, license a procede al Election, & puis d obsecrer son Royal Assent, &c. Et ouster il affirm per bone probation hors des Livres del Common Ley, que le Roy *Jean* fuit le primer que granta ceo, & q̄ il fuit puis confirme per *Westm.* 1. *cap.* 1. quel Statute fuit fait *Anno* 3 *E.* 1. & arere per le Statute de *Art Cleri*, *cap.* 2. q̄ fuit ordaine *Anno* 25 *E.* 3. *Stat.* 3.

Conjuration.

C*Onjuration* est un Compact ou Plot fait p hoes combinant eux mesmes ensemble per serement ou parol a faire ascun publique leide. Mes il est pluis communem̄t use p̄ tiels queux ont personal Parlance ove le Diable ou male Esprit, a cognoistre ascun secret, ou d faire ascun chose. *Anno* 5 *Eliz. c.* 16. Et le difference penter *Conjuration* & *Witchcraft* poit estr ceo: Pur ceo q̄ l'un semble p Orizons & Invocation sur le potent Nosme d Dieu, d compeller le Diable a dire ou faire q̄ il luy command; & l'aut' fait plus p un amicable & voluntarie Parlance ou Concord penter luy ou el, & le Diable ou Esprit, daver sa ou son volunt & choses effect ē lieu d sangue ou aut' done offer a luy, p̄merm̄t d son ou sa Ame. Et ambideux ceux

differont

differont de *Enchantments* ou *Sorceries*, pur ceo que ſont perſonal Parlances ove le Diable, come eſt dit ; mes ceux ſont forſque Medicines & ceremonial formes de parols, communement appel *Charms*, ſans apparition.

differ from Enchantments o Sorceries, becauſe they are perſonal Conferences with th Devil, as is ſaid; but thes are but Medicines and ceremonial forms of words, commonly called Charms, without apparition.

Conſervator del Peace.

COnſervator *del Peace* eſt celuy que ad un eſpecial charge p vertue d ſon Office a veier le Peace le Roy obſerve. Quel Peace ē effect eſt define deſtre, Un detention ou abſtinence d cel injurious force & violēce q̄ homes irregular & indomit ſont en lour natures apt d uſer envers auters, ſinon q̄ ils fuer reſtrain p Leys & pavor de Caſtigac'. De ceux Conſervators *Lambert* ouſter dit, Que devant le temps del Roy *Ed.* 3. q̄ primerment conſtitute Juſtices del Peace, la fuer divers Perſons que p le Common Ley avera intereſt en le gardiancy del Peace. De ceux, aſcun ont ceo charge come incident a lour Offices, & iſſint include deins meſme, nient obſtant ils fuer appel per le noſme de lour Office ſolement : aſcun auters ont ceo ſolement, come d luy meſme, & fuer d ceo noſme *Cuſtodes Pacis*, Gardians ou Conſervators del Peace. Et ceux ambideux ſorts sōt areres ſubdivide per *Lambert* en sō *Eirenarcha*, *lib.* 1. *cap.* 3.

Conſervator of the Peace.

COnſervator of the Peace t he that hath an eſpecia charge, by virtue of his Office to ſee the King's Peac kept. Which Peace, in effect, is defined to be, A with holding or abſtinence fro that injurious Force and Violence that unruly and boiſterous Men are in their natures prone to uſe toward others, were they not reſtrained by Laws and fear of Puniſhment. Of theſe Conſervators Lambert farther ſaith That before the time of Kin Ed. 3. who firſt appointed Juſtices of Peace, there wer ſundry Perſons who by th Common Law had intereſt i keeping of the Peace. O thoſe, ſome had that charg as incident to their Offices and ſo included within th ſame, and yet notwithſtanding were called by the nam of their Office only : other had it ſimply, as of it ſelf and were thereof named Cu ſtodes Pacis, Wardens or Conſervators of the Peace. In both theſe ſorts are agai ſubdivided by Lambert in hi Eirenarcha, lib. 1. cap. 3.

Conſervator of the Truce.

Conſervator of the Truce was an Officer appointed in every Port of the Sea, under the King's Letters Patents, and had 40 l. for his yearly ſtipend at the leaſt. His charge was to enquire of all offences done againſt the King's Truce and Safe conducts upon the main Sea, out of the Countries and Liberties of the Cinque-Ports of the King, as the Admirals have accuſtomedly done; and ſuch other things as are declared Anno 2 H. 5. cap. 6. Touching this matter you may read the other Statute of Anno 4 H. 5. cap. 7.

Conſervator del Truce.

Conſervator del Truce fuit un Officer conſtitute en cheſcun Port del Mere ſouth les Letters Patents del Roy, & ad 40 l. pur ſon annual Salarie al meins. Son charge fuit de enquirer de touts Offences faits envers le Truce & Safe conducts del Roy ſur le plein Mere, hors des pais & hors des Franchiſes del Cinque-Ports le Roy, come les Admirals de cuſtome ont uſe de faire: & tiels auter choſes come ſont declare *Anno* 2 *H.* 5. *cap.* 6. Touchant ceſt choſe poyes lier l' auter Statute d *Anno* 4 *H.* 5. *cap.* 7.

Conſideration.

Conſideration is the material cauſe of a Contract, without which no Contract can bind the Party. This Conſideration is either expreſſed, as when a Man bargains to have Twenty Shillings for a Horſe: or is implied, as when the Law it ſelf inforces a Conſideration; as if a Man comes into a common Inn, and there ſtaying ſome time, takes Meat or Lodging, or either, for himſelf or his Horſe, the Law preſumes he intends to pay for both, notwithſtanding that nothing be covenanted between him and his Hoſt, and therefore if he diſcharges not the Houſe, the Hoſt may ſtay his Horſe.

Conſideration.

Conſideration eſt l' eſſential cauſe d un Contract, ſans le quel nul Contract poit lier les Parties. Ceo Conſideration eſt ou expreſſe, ſicome quant un hõe bargaine a done Vint Soulz pur un Chival: ou eſt imply, ſicome quant le Ley meſme enforce un Conſideration; come ſi un home vient en un common Hoſtel, & la commorant aſcun temps, priſt viands & giſure, ou aſcun, p̃ luy meſme ou ſon Chival, le Ley preſume q̃ il intend a payer p̃ ambideux, nient obſtant riens ſoit covenant perenter luy & ſon Hoſtler, & p̃ ceo ſil ne diſcharge pas le meaſon, le Hoſtler poit retaine ſon Chival.

Juſy

Auxy la eſt *Conſideration* de Nature & Sanke, & valuable Conſideration: & p̄ ceo ſi home ſoit endet a divers auters, & nient obſtant, en conſideration de natural affection, done tours ſes Biens a ſon Fits ou Couſin, ceo ſerra entend deſtre un fraudulent Done deins l'Act de 13 *Eliz. cap.* 5. p̄ ceo que ceſt Act entend un valuable Conſideration.

Alſo there is Conſideration of Nature and Blood, and valuable Conſideration: and therefore if a Man be indebted to divers others, and yet, in conſideration of natural Affection gives all his Goods to his Son or Couſin, this ſhall be conſtrued a fraudulent Gift within the Act of 13 Eliz. cap. 5. becauſe this Act intends a valuable Conſideration.

Conſiſtory.

COnſiſtory eſt un parol emprent del *Italianois*, ou plus toſt *Lombards*, & ſignifiant come *Prætorium. Eſt vocabulum utriuſque Juris*, & eſt uſe p̄ le lieu del Juſtice en les Courts Eſpirituals ou Chriſtians.

Conſiſtory.

COnſiſtory is a word borrowed of the Italians, or rather Lombards, and ſignifies as much as Tribunal. It is vocabulum utriuſque Juris, and is uſed for the place of Juſtice in the Courts Chriſtian or Spiritual.

Conſolidation.

COnſolidation eſt uſe p̄ le combinancie & uniſicence d deux Benefices en un: & ceſt parol eſt priſe d le Ley Civile, ou il proprement ſignifie un uniting del Poſſeſſion, Occupation, ou Profit, ove le Propertie. Cōe ſi home ad p̄ Legacie *uſum fructum fundi*, & puis p̄ haſe le Propertie ou Feeſimple del Heir; ē ceſt caſe un Conſolidation eſt fait des Profits & Propertie. *Vide Brook, tit. Union.*

Conſolidation.

COnſolidation is uſed for the combining and uniting of two Benefices in one: and this word is taken from the Civil Law, where it properly ſignifies an uniting of the Poſſeſſion, Occupation, or Profit, with the Property. As if a Man hath by Legacy uſum fructum fundi, and after purchaſes the Property or Feeſimple of the Heir; in this caſe a Conſolidation is made of the Profits and Property. Vide Brook, tit. Union.

Conſpiracie.

C*Conſpiracie*, nient obſtant q̄ ē *Latine* & *Francois* eſt uſe p̄ un Agreemēt des hōes a faire un choſe bone ou male, uncore il eſt cōmunemēt priſe ē noſtre Ley ē le male part; & eſt define en 34 *E.* 1. *Stat.* 2. deſtre un

Conſpiracy.

COnſpiracy, notwithſtanding that in Latin and French it is uſed for an Agreement of Men to do a good or evil thing, yet it is commonly taken in our Law in the evil part; and is deined in 34 E. 1. Stat. 2. to be an Agreement

of such as confeder or bind themselves by Oath, Covenant, or other alliance, that every of them shall bear and aid the other falsly and maliciously, to indict, or falsly to move or maintain Pleas; and also such as cause Children within age to appeal Men of Felony, whereby they are imprisoned and sore grieved; and such as maintain Men in the County with Liveries and Fees to maintain their malicious enterprises: And this extends as well to the takers, as to the givers. Also Stewards and Bayliffs of great Lords, who by their Seigniory, Office or Power, undertake to bear or maintain Quarrels, Pleas or Debates, that concern other Parties than such as touch the Estate of their Lords, or of themselves. Anno 4 Ed. 3. cap. 11. 3 Hen. 7. cap. 13. And hereof see more, 1 Hen. 5. cap. 3. 18 Hen. 6. cap. 12, also in the Old Book of Entries, word Conspiracy.

This word in the places before rehearsed is taken more generally, and is confounded with Maintenance and Champerty; but in a more special signification it is taken for a Confederacy between two or more, falsly to indict one, or to procure one to be indicted of Felony. And the punishment of Conspiracy upon an Indictment of Felony at the Suit of the King is, That the party attainted shall lose his frank-Law, so that he shall not be impanelled upon Juries or Assises, or such like Imployments, for testifying of the truth: And if he hath to do in

Agreement d tiels que confederont ou lieront eux mesmes p Serement, Covenant, ou aut' alliance que chesc̃ de eux portera & aidera lauter fauxment & maliciousment, de en liter, ou fauxment a mover ou maintainer Plees; & aux tiels q̃ causant Enfants deins age d appealer hões d Felony, p̃ que ils sont imprisõn & durem̃t grieve; & tiels q̃ reteignont gentes ẽ le Pais ove Liveries ou Fee de maintainer lour Actions malicious: & ceo extend cybien a les prisors, cõe les donors. Aux Seneschals & Reeves d grand Sñs, q̃ p lour Seigñrie, Office, ou poyar, assume d port ou maintainer Quarrels, Plees ou Debates, q̃ concernont aut' parties que tiels que touchãt l'Estate de lour Snr, ou de eux meimes. *Anno 4 E. 3. c. 11. 3 H. 7. c. 13.* Et de ceo veies pluis, *1 H. 5. c. 3. 18 H 6 c. 12* auxy en le veiel Livre de *Entries*, verb' *Conspiracy*.

Cest parol en les lieus devant rehearle est prise pluis generalment, & est confound ove *Maintenance* & *Champerty*; mes en un pluis special significatiõ il est prise p̃ un Confederacie p̃ent' deux ou pluisors, fauxment d endict', un, ou d procurer un destre endict' d Felony. Et le punishment de Conspiracie sur un Indictment de Felony al Suit le Roy est, Que le party attaint p̃dera son frank ley, al entẽt que il ne soit impannel sur Juries ou Assises, ou tiels semblable employments, pur le testification del voyertie: & sil ad a fair ẽ le Court le Roy, q̃ il

ſait ſon Attorney ; & q̄ ſes Terres, Biens & Chattels sōt ſeiſie ē les mains le Roy, ſes Terres eſtreape, ſes Arbres defoſſe, & ſon Corps commiſe al Priſon. 27 *lib. Aſſiſe* 59. *Crompton* 156. *b.* ceo eſt appel *villanous Judgment*. Mes ſi le Partie grieve voyle ſuer un Brief de Conſpiracie, donque veies *Fitz. Nat. Brev.* 114. *d.* 115. *i. &c. Crompt. Juriſdict.* 209. *Reg.* 134.

the King's Court, he ſhall make his Attorney ; and his Lands, Goods and Chattels ſhall be ſeiſed into the King's hands, his Lands eſtreaped, his Trees digged up, and his Body committed to Priſon. 27 lib. Aſſiſe 59. Crompton 156. b. this is called villanous Judgment. But if the Party grieved will ſue a Writ of Conſpiracy, then ſee Fitz. Nat. Brev. 114. d. 115. i. Crompt. Juriſdict. 209. Reg. 134.

Conſtat.

Conſtat.

Conſtat eſt un ſort d̄ Certificate fait per le Clerk del Pipe & Auditors del Exchequer, al requeſt de aſcun Perſon que intend a pleader en ceſt Court pur le diſcharge d̄ aſcun choſe, 3 *&* 4 *E.* 6. 4. 13 *El.* 6. Et ceo eſt plus certain que un *Certificate*, car c̄ certifie que *conſtat* de Record. Veies *Coke* 5. *Rep.* le difference perenter un *Conſtat*, *Inſpeximus*, & un *Vidimus*.

Conſtat is a kind of Certificate made by the Clerk of the Pipe and Auditors of the Exchequer, at the requeſt of any Perſon who intends to plead in this Court for the diſcharge of any thing. 3 & 4 E. 6. 4. 13 El. 6. And this is more certain than a Certificate, for this certifies what appears upon Record. See Coke 5 Rep. the difference between a Conſtat, Inſpeximus and a Vidimus.

Conſtable.

Conſtable.

Conſtable eſt diverſement uſe ē le Cōmon Ley. Et primerm̄t, le Conſtable de *Angleterre*, q̄ eſt auxy appel Marſhal, *Stanf. Pl. Cor. f.* 65. d̄ l'Authoritie & Dignitie d̄ quel hōe poit trover pluſors Arguments & Signs, cybiē en les Statutes, come les Chronicles de ceo Royalm. Son Poyer conſiſt en le care del cōmon Peace del Terre, en Fairs marſhal, & choſes de Chivalry, *Lamb. Dutie de Conſtab. numb.* 4. ove q̄ agree le Statute de 13 *R.* 2. *cap.* 2. *Stat.* 1. De ceo Officer ou Magiſtrate, *Gwyn*, en le Pre-

Conſtable is diverſly uſed in our Common Law. In firſt, the Conſtable of England, who is alſo called Marſhal, Stanf. Pl. Cor. f. 65. of whoſe Authority and Dignity a Man may find many Arguments and Signs, as well in the Statutes, as in the Chronicles of this Realm. His Power conſiſts in the care of the common Peace of the Land, in deeds of Arms, and matters of War, Lamb. Duty of Conſtables, numb. 4. where with agrees the Statute of 13 R. 2. c. 2. Stat. 1. Of this Officer or Magiſtrate, Gwyn

it

he Preface to his Reading, faith to this purpoſe; The Court of the Conſtable and Marſhal determines Contracts touching deeds of Arms out f the Realm, and handles things concerning Wars within the Realm, as Combats, Blazons of Armozy, and ſuch like; but he hath nothing to o with Battel in appeal, oz generally with any other ing that may be tried by e Law of the Land. See orteſcue, cap. 32. This Office heretofoze was appertaining to the Lozds of certain aunozs Jure feudi; and why is diſcontinued, ſee Dyer 285. 39.

Out of this Magiſtracy faith Lambert) were drawn eſe inferioz Conſtables, which e call Conſtables of Hundreds d Liberties, and firſt oz- ined by the Statute of incheſter, 13 Edw. 1. which points foz the conſervation the Peace, and view of mour, two Conſtables in ry Hundred and Liberty; d theſe are at this day lled High Conſtables, becauſe increaſe of People and fences hath again under le made others in every wn, called Petty Conſtables, o are of the like nature, of inferioz Authozity to other.

Beſides theſe, there are Of- rs of particular places cal- by this name; as Con- ble of the Tower, Stanf. 152. H. 4. 13. Conſtable of the hequer, 15 H. 3. Stat. 5. nſtable of Dover Caſtle, Bro. Bre. fag. 179. Fitz. Nat.

face a ſes Lectures, dit a tiel effect; Le Court d Conſtable & Marſhal finiſt Contracts touchant faits de Chivalrie hors del Royalme, & treat choſes concernont Guerres deins le Royalme, come Combats, Blaſons de Armory, & tiels ſemblables; mes il nad a faire ove Battel en appeale, ne generalment ove aſcun auter choſe que poit eſtre trie p les Leyes de Terre. Veies *Forteſcue*, *cap.* 32. Ceſt Office en temps par devant fuit apperteynant al Seigniors de certain Mannors *Jure feudi*; & pur quel cauſe ceo diſcontinue, veies *Dyer* 385. *pl.* 39.

Hors de cel Magiſtracie (dit *Lambert*) fuer trahe ceux ſouth Conſtables, les quels nous appellomus *Conſtables des Hundreds* & Franchiſes, & primerm̃t ordein p le Statute de *Wincheſter*, 13 *Edw.* 1. le quel appo'nt p̃ le conſervation del Peace, & view d Armor, deux Conſtables en cheſcun Hundred & Franchiſe; & ceux ſont a ceſt jour appel *Alt Conſtables*, p̃ ceo que le encreaſe des Gents & Peches ad arrere ſouth ceux faits auters en cheſcun Ville, appel *Petit Conſtables*, queux ſont de ſemblable nature, mes de inferior Authority al auter.

Ouſter ceux, la ſont Officers d particular lieux appel' per ceſt noſme; come Conſtable del Tower, *Stanf.* 152. 1 *H.* 4. 13. Conſtable d Exchequer, 15 *H.* 3. *Stat* 5. Conſtable de *Dover* Caſtle, *Camb. Brit. pag.* 239. *Fitz Nat.*

Brev. autermt appelle Castellaine. *Manw. part* 1. *cap.* 13. de ses *Leys del Forest*, fait mẽtion d un Constable del Forest.

Brev. otherwise called Castellain. Manw. part 1. cap. 13. of his Forest Law, makes mention of a Constable of the Forest.

Consuetudinibus & Servitiis. Vide Prescription.

Customs and Services. See Prescription.

Consuetudinibus & Servitiis est un Brief, & gist lou jeo ou mes Ancestors, depuis le limitatiõ d Assise, (p quel veies le Title d *Limitation* en le Collection d Statutes) ne fueront seises des Customes ou Services de mon Tenant devant; donques jeo avera cest Brief p recover' ceux Services

Auxy le Tenant poit aver cest Brief vers son Seigniour; mes apres que le Tenant ad count, le Seigniour defendera les motes del Count, & repliant dirra, que il ne distreina pas pur les Customes dont le Count est; & donqes il countera tout le Count de les Customes & Services; & donques le Tenat, q̃ fuit Plaintiff, deviendra Defendant, & defendra p Battaile ou grãd Assise.

Customs and Services is a Writ, and lies where J or my Ancestors, after the limitation of Assise, (for which see the Title of Limitation in the Collection of Statutes) were not seised of the Customs or Services of my Tenant before; then J shall have this Writ to recover those Services.

Also the Tenant may have this Writ against his Lord, but after the Tenant hath declared, the Lord shall defend the words of the Declaration, and replying shall say, that he distrained not for the Customs whereof the Declaration is; and then he shall declare all the Declaration of the Customs and Services; and then the Tenant, who was Plaintiff, shall become Defendant, and shall defend by Battel or great Assise.

Consultation.

Consultation.

Consultation est un Brief, p q̃ un Cause esteant p devant remove per Prohibition hors del Court Ecclesiastical, ou Court Christian, al Court le Roy, est la returne arere: Car si les Judges del Court le Roy, comparont le Libel ove le Suggestion del Partie, trovãt le Suggestion faux, ou nient prove, & p ceo le Cause destre tortiousment appel del

Consultation is a Writ, whereby a Cause being formerly removed by Prohibition out of the Ecclesiastical Court, or Court Christian, to the King's Court, is returned thither again: For if the Judges of the King's Court, comparing the Libel with the Suggestion of the Party, find the Suggestion false, or not proved; and therefore the Cause to be wrongfully called from the

Court

Court Chriſtian; then, upon this Conſultation, or Deliberation, they decree it to be returned again; whereupon the Writ in this caſe obtained is called a Conſultation. Of this you may read the Regiſt. Orig fol. 44. until fol 58 Old Nat. Brev. fol. 32. and Fitz. Nat. Brev. fol. 30.

Court Chriſtien; donque ſur ceo Conſultation ou Deliberation, ils decree ceo deſtre returne arere; ſur que le Brief en ceo caſe obtaine eſt appel un *Conſultation*. De ceo vous poyes lier le *Regiſt. Orig fol.* 44. jeſque *fol* 58 *Vet Nat. Brev. fol* 32 & *Fitz. Nat. Brev. fol* 50.

Contenement.

COntenement ſeems to be the Freehold-land that lies to the Tenement or Dwelling-houſe that is in his own occupation: for in Magna Charta, cap. 14 there are theſe words; A Free-man ſhall not be amerced for a ſmall fault, but according to the quantity of the fault, and for a great fault, according to the manner thereof, ſaving unto him his Contenement or Free-hold: And a Merchant ſhall alſo be amerced, ſaving to him his Merchandizes; and a Villain, ſaving to him his Wainage.

Contenement.

COntenement ſemble deſtre le Frankrenement terre que giſt al Tenement ou Meaſon q̃ eſt en ſon occupation demeſne: car ẽ *Magna Charta, cap* 14 la ſont ceux parols; *Un Frank home ne ſerra amercie pur un petit offence, mes accordant al quantitie del offence, & pur un ſeit offence, mes accordant al manner de ceo, ſavant a luy ſon* Contenement *ou Franktenement: Et un Merchant ſerra auxy amercie. ſavant a luy ſes Merchandizes; & un Villain, ſavant a luy ſon Gainage.*

Continual Claim.

COntinual Claim is, where a Man hath right to enter into certain Lands whereof another is ſeiſed in Fee, or Fee-tail, and dares not enter for fear of death or beating, but approaches as nigh as he dares, and makes Claim thereto within the Year and Day before the death of him that hath the Lands; if that he who hath the Land die ſeiſed, and his Heir is in by deſcent, yet he that makes ſuch Claim may enter upon the Heir, notwithſtanding ſuch deſcent, becauſe he hath made ſuch continual Claim. But ſuch Claim muſt

Continual Claime.

COntinual Claime eſt, lou home ad droit de enter en certain Terres dont un auter eſt ſeiſie en Fee, ou Fee-taile, & il ne oſaſt enter pur pavor de mort ou batterie, mes approche cy pres come il oſaſt, & fait Claime a ceo deins le An & Jour devant le mort de ceſtuy q̃ ad le Terre; ſi apres ceſtuy q̃ ad le Terre devie ſeiſie, & ſon Heire eſt eins p diſcent, uncore ceſtuy que fait tiel Claime poit enter ſur le Heire, niẽt contriſteant tiel diſcẽt, p̃ ceo q̃ il ad fait tiel continual Claime. Mes il

covient q̄ ceſt Claime touts foits ſoit fait deins l'An & Jour devant le mort le Tenant; car ſi tiel Tenant ne moruſt ſeiſie deins l'An & Jour apres tiel Claime fait, & uncore il que ad droit poſaſt enter, donques covient al ceſtuy q̄ ad tiel droit de faire auter Claime deins l'An & Jour apres le primer Claime, & apres tiel ſecond Claime, de faire le tierce Claime deins l'An & Jour, ſi il voit eſte ſure de ſaver ſon Entry.

Mes ſi le Diſſeiſor devie ſeiſie deins l'An & Jour apres le Diſſeiſin, & nul Claime fait, donques le Entrie le Diſſeiſee eſt tolle, car l'An & Jour ne ſerra priſe de le temps del title de Entrie a luy accrue, mes ſolement de le temps del darraine Claime p̄ luy fait, come eſt avant dit. Veies pluis de ceo ē *Littl. l.* 3. *c.* 7. & veies le *Stat.* 32. *H.* 8. *cap.* 33.

Continuance.

Continuance en le Common Ley eſt de meſme ſignification ove *Prorogation* en le Civile; come Continuance jeſque le procheine Aſſiſe, *Fitz. Nat. Brev.* 154. *f.* & 244. *d.* en queux ambidieux lieus il eſt dit, Que ſi un Record en le Treaſurie ſoit alledge p̄ l'un Partie, & denie p̄ lauter, un *Certiorari* ſerra ſue al Treaſurer & le Chamberleine de Exchequer; & ſils ne certifie pas en le Chancerie que tiel Record eſt la, ou q̄ eſt ſemblable deſtre en le Tower, le Roy mittera al Juſtices, re-

always be made within the Year and the Day before the death of the Tenant; for if ſuch Tenant do not die ſeiſed within a Year and a Day after ſuch Claim made, and yet he that hath right dares not enter, then it behoves him that hath ſuch right, to make another Claim within the Year and Day after the firſt Claim, and after ſuch ſecond Claim, to make the third Claim within the Year and Day, if he will be ſure to ſave his Entry.

But if the Diſſeiſor die ſeiſed within the Year and Day after the Diſſeiſin, and no Claim made, then the Entry of the Diſſeiſee is taken away, for the Year and Day ſhall not be taken from the time of the title of the Entry to him grown, but only from the time of the laſt Claim by him made, as is aforeſaid. See more hereof in Littl. 3. c. 7. and ſee the Stat. 32. H. 8. cap. 33.

Continuance.

CONtinuance in the Common Law is of the ſame ſignification with Prorogatio in the Civil: as Continuance until the next Aſſiſe, Fitz. Nat. Brev. 154. f. and 244. d. in both which places it is ſaid, That if a Record in the Treaſury be alledged by the one Party, and denied by the other, a Certiorari ſhall be ſued to the Treaſurer and the Chamberlain of the Exchequer; and if they do not certifie in the Chancery that ſuch Record is there, or that it is like to be in the Tower, the King ſhall ſend to the Juſtices, repeating

the

the ſaid Certificate, and commanding them to continue the Aſſiſe. In this ſignification it is alſo uſed by Kitchin, 202. and 199. alſo Anno 11. H. 6. cap. 4.

Contract.

COntract is a Bargain or Covenant between two Parties, where one thing is given for another, which is called Quid pro quo; as if I ſell my Horſe for Money, or if I covenant to make you a Leaſe of my Mannor of Dale, in conſideration of Twenty Pound that you ſhall give me, theſe are good Contracts, becauſe there is one thing for another. But if a Man make a promiſe to me, that I ſhall have xx s. and that he will be Debtor to me thereof, and after I aſk the xx s. and he will not deliver it; yet I ſhall never have any Action to recover this xx s. becauſe this Promiſe was no Contract, but a bare Promiſe, and Ex nudo Pacto non oritur Actio. But if any thing were given for the Twenty Shillings, though it were but to the value of a Penny, then it had been a good Contract.

citant le dit Certificate, & commandant eux d cõtinuer le Aſſiſe. En ceo ſignification eſt auxy uſe p *Kitchin*, 202. & 199. auxy *An.* 11. *H.* 6. *cap.* 4.

Contract.

Contract eſt un Bargain ou Covenant perenter deux parties, lou un choſe eſt dõe p̃ auter, que eſt appel *Quid pro quo*; come ſi jeo vende mon Chival pur argent, ou ſi jeo covenant de fair Leaſe a vous de mon Mannor de *Dale*, ẽ conſideration d xx l. q̃ vous dões a moy, ceux ſont bone Contracts, p̃ ceo q̃ il ad un choſe p̃ auter. Mes ſi un home fait promiſe a moy, q̃ jeo avera xx s. & q̃ il voile eſte Dettour a moy de ceo, & puis jeo demande xx s. & il ne voyle a moy deliver; uncore jeo navera jammes Action pur recover ceſt xx s. pur ceo que ceſt Promiſe ne fuit Contract, mes *nudum Pactum*, & *Ex nudo Pacto non oritur Actio.* Mes ſi aſcun choſe fuit done pur le xx s. meſque il fuit forſque al value de un denier, donques il fuit bone Contract.

Contra formam Collationis.

COntra formam Collationis is a Writ that lies where a Man hath given Lands in perpetual Alms to any of the Houſes of Religion, as to an Abbot and his Convent, or other Sovereign, or to the Warden or Maſter of any Hoſpital and his Convent, to find certain Poor Men, and to do other Divine

Contra formam Collationis.

Contra formam Collationis eſt un Brief q̃ giſt lou home done Terres ẽ perpetual Almoigne a aſcun Meaſon de Religion, come a un Abbe & ſon Covẽt, ou auter Soveraigne, ou al Gardien ou Maſter d aſcun Hoſpital & ſon Covent, d trover certain pover hõe, & de faire

aut' Divine ſervice; ſils alien les Terres, donqs le Donor ou ſeis heires averont le dit brief p̄ recover le Terre. Mes ceſt Brief ſerra touts foits port vers le Abbot ou ſō ſucceſſō, & nemy vers l'Alienee, com̄t que il ſoit Tenant: mes en touts auters Actions lou hōe demand Franktenement, le Brief ſerra port vers le Tenant del Terre. Vide le Stat. *Weſt* 2. *cap.* 41.

Service, if they alien the Lands, then the Donor or his Heirs ſhall have the ſaid Writ to recover the Land. But this Writ ſhall be always brought againſt the Abbot or his ſucceſſor, and not againſt the Alienee, although he be Tenant: but in all other Actions where a man demands Freehold, the Writ ſhall be brought againſt the Tenant of the Land. See the Stat. Weſt. 2. cap. 41.

Contra formam Feoffamenti.

Contra formam Feoffamenti eſt un Brief q̄ giſt lou un hom̄ devant le Statute de *Quia emptores terrarum*, fait 18 *Ed.* 1. infeoffe aut' p̄ fait de faire certain Service; ſi le Feoffor ou ſes heires diſtrain luy de faire auter Service q̄ eſt compriſe en le Fait, donques le Tenant avera ceſt Br̄, luy commandant que il ne diſtrain luy de fair auter Service que neſt compriſe deins le Fait. Mes ceſt Brief ne giſt pur le Plaintiff que claim per purchaſe del primer Feoffee, mes pur le heire al primer Feoffee.

Contra formam Feoffamenti.

Contra formā Feoffamenti is a Writ that lies where a Man before the Statute of Quia emptores terrarum, made 18 Ed. 1. infeoffed another by Deed to do certain Service; if the Feoffor or his heirs diſtrain him to do other Service than is compriſed in the Deed, then the Tenant ſhall have this Writ, commanding him not to diſtrain him to do other Service than is compriſed in the Deed. But this Writ lies not for the Plaintiff who claims by purchaſe from the firſt Feoffee, but for the Heir to the firſt Feoffee.

Contrabutione facienda.

Contributione facienda eſt un Brief, & giſt lou ſont divers Parceners, & celuy que ad le part del eigne fait tout le ſuit al Seigniour, les auters doyent faire Contribution a luy, & ſils ne voylont, il avera vers eux le dit Breve. En aſcuns caſes le Heire avera Contribution, & en auters nemy, mes ſerra ſolement charge: Car ſi home ſoit ſeiſie de troys

Contributione facienda.

Contributione facienda is a Writ that lies where there are divers Parceners, and he who hath the part of the eldeſt makes all the ſuit to the Lord; the others ought to make Contribution to him, and if they will not, he ſhall have againſt them this Writ. In ſome caſes the Heir ſhall have Contribution, and in others not, but ſhall be alone charged: For if a man be

ſeiſed

ſeiſed of three Acres of Land, and acknowledges a Recognizance or Statute, &c. and infeoffs A. of one Acre, and B. of another Acre, and the third deſcends to the Heir; if Execution be ſued againſt the Heir only, he ſhall not have Contribution againſt any Purchaſor, yet he is charged as Terre-tenant, and not as Heir; for the Land, and not himſelf, is charged.

Yet if a Man be ſeiſed of two Acres, the one of the nature of Borough-Engliſh, and binds himſelf as before, and dies, having iſſue two Daughters, who make partition, in this caſe, if the one be charged, he ſhall have Contribution: for as one Purchaſor ſhall have Contribution againſt others, and againſt the Heir of the Conuſee alſo; ſo one Heir ſhall have Contribution againſt another Heir, for they are in equal degree. Alſo if a Man be bound, and after his death ſome of his Land deſcends to the Heir of the part of the Father, and ſome to the Heir of the part of the Mother; the one alone ſhall not be charged, but if he be, he ſhall have Contribution. In Dower, if the Tenant vouches the Heir in ward to three ſeveral Lords, each of them ſhall be equally charged.

If two, four, or more Men be ſeverally ſeiſed of Land, and they all joyn in a Recognizance; in this caſe the Conuſee cannot extend the Land of any of the Conuſors alone, but all ought equally to be charged: for though

Acres de terre, & conuſt un Recognizance ou Statute, &c. & enfeoffe *A.* de un Acre, & *B.* d un auter Acre, & le tierce diſcend a ſon Heire; ſi Execution ſoit ſue ſolement vers le Heire, il ne avera Contribution vers aſcun Purchaſor, uncore il eſt charge come Terre-tenant, & nemy come Heire; car le Terre, & nemy luy meſm̃, eſt lie.

Uncore ſi home ſoit ſeiſie de deux Acres, l'un de nature de Borough Engliſh, & lye luy meſme come devant, & moruſt, ayant iſſue deux files, queux font partition; en ceſt caſe, ſi l' un ſoit charge, el avera Contribution; car ſicome un Purchaſor avera Contribution vers auters, & vers le Heire le Conuſee auxy; iſſint un Heire avera Contribution vers auter Heire, car ils ſont *in æquali gradu.* Auxy ſi home ſoit iſſint lie, & puis ſon mort aſc̃ de ſon terre diſcend al Heir del part le pere, & aſcun al Heire del part le mere, l'un ſolement ne ſerra charge, mes ſil ſoit, il avera Contribution. En Dower, ſi le Tenant vouch le Heir en gard a troys ſeveral Seigniors, cheſcun ſerra owelment charge.

Si deux, quat', ou pluſors homes ſoyent ſeveralment ſeſie d Terre, & ils touts joyn̄ ē un Recognizance; en ceſt caſe le Conuſee ne poit extend le Terre del aſc̃ de Conuſors ſolement, mes touts doient owelment eſtre charge: car com̃t

cõmt que le Terre del Conusor meſme poit eſte ſolement extend qñt divers hões ont purchaſe aſcun del Terre ſubject al Recogniſance, pur ceo q̃ le Purchaſor eſt en auter degree que le Conuſor meſme; uncore un de les Conuſors ne ſerra ſolement charge, car il eſtoyt en owel degree ove les auters Conuſors. Auxy le tertenant d'un Debtor ſur un extent avera contribution de l'heir del Debtor, quel veies 1 *Cro. Eyer* verſus *Taunton*. Si Judgment ſoit done vers deux Diſſeiſors en Aſſiſe pur le Terre & damages, & lun Diſſeiſor moruſt, l' Execut' ne ſerra agard vers le ſurviving Diſſeiſor que fuit party al tort, mes cybien le Heir come le Diſſeiſor ſerra owelment charge. Mes auterment eſt en perſonal lien; cõe ſi 2 ſont lie en un Obligat', la le charge ſurvivera.

Et ou eſt dit, que le un Purchaſor avera Contribution, neſt per ceo entend, q̃ les auters doneront ou alloweront a luy aſcun choſe p voy de Contribution; mes doit eſtre entend, q̃ le ptie q̃ eſt ſolem̃t extend p tout poit per *Audita querela*, ou *Scire facis*, come le caſe require, defeat le Execution, & per ceo ſerra reſtore a touts les meſne profits, & chaſer le Conuſee de ſuer Execution de tout le Terre: iſſint en ceſt manner cheſc' ſerr̃ contributorie, ceſtaſcavoire, le Terre de cheſc' Terre-tenant ſerra owelment extend.

the Land of the Conuſor himſelf may be only extended where divers Men have purchaſed any of the Land ſubject to the Recognizance, becauſe the Purchaſor is in another degree than the Conuſor himſelf; yet one of the Conuſors ſhall not be ſolely charged, for he ſtands in equal degree with the other Conuſors: Alſo the tertenant of a Debtor upon an extent ſhall have contribution of the Heir of the Debtor, which ſee 1 Cro. Eyer againſt Taunton. If Judgment be given againſt two Diſſeiſors in Aſſiſe for the Land and Damages, and one Diſſeiſor dies, the Execution ſhall not be awarded againſt the ſurviving Diſſeiſor that was party to the wrong, but as well the Heir as the Diſſeiſor ſhall be equally charged. But otherwiſe it is in perſonal binding; as if two are bound in an Obligation, there the charge ſhall ſurvive.

And where it is ſaid, that the one Purchaſor ſhall have Contribution, it is not thereby intended, that the others ſhall give or allow unto him any thing by way of Contribution; but it ought to be intended, that the party that is ſolely extended for all may by an Audita querela, or Scire facias, as the caſe requires, defeat the Execution, and thereby ſhall be reſtored to all the mean profits, and force the Conuſee to ſue Execution of all the Land: So in this manner every one ſhall be contributory, viz. the Land of every Terre-tenant ſhall be equally extended.

Convo-

Convocation.

Convocation is commonly taken for the Assembly of all the Clergy to consult of Ecclesiastical matters in time of Parliament: And as there are two Houses of Parliament, so there are two places called Convocation-houses; the one called the Higher Convocation-house, where the Archbishops and Bishops sit severally by themselves; the other, the Lower Convocation-house; where all the rest of the Clergy sit. Vide Prolocutor.

Convocation.

Convocation est communement prise pur le Assembly de touts les Clerks p̄ consult' d̄ choses Ecclesiastical ē tēps de Parlement: Et sicōe la sont deux Measons de Parlement, issint la sont deux lieus appel Measons de Convocation l' un appel le pluis Alt Meason d̄ Convocation, ou les Archieveſques & Eveſques sedont, severalment per eux meſmes; laut' l'Inferior Meason de Convocacation, ou tout le reſidue des Clerks sedont. *Vide Prolocutor.*

Conusance.

Conusance of Pleas is a Privilege that a City or Tenant hath by the King's Grant, to hold Plea of all Contracts, and of Lands within the Precinct of the Franchise, and that when any man is impleaded for any such thing in the Court of the King at Westm the Mayors or Bailiffs of such Franchises, or their Atturneys, may ask Conusance of the Plea, that is to say, that the Plea and the matter shall be pleaded and determined before them.

But if the Court at Westminster be lawfully seised of the Plea before Conusance be demanded, then they shall not have Conusance for that Suit, because they have neglected their time of demand thereof: but this shall be no bar to them to have Conusance in another Action; for they may demand Conusance in one Action, and omit it in another, at their pleasure.

Conusance.

Conusance de Plee est un Privilege que un Citie ou ville ad per grant le Roy, de teñ Plee de touts Contracts, & des Terres deins le precinct del Franchise, & que quant aſcun home est impleade p̄ aſc̄ tiel chose en le Court le Roy al *Westm.* les Maiors ou Bayliffs de tiels Franchises, ou lour Attornies, poient demander Conusance del Plee, ceſtaſcovoir̄, que le Plee & le matter ſerra plead & determine devant eux.

Mes ſi le Court al *Westminſter* ſoit loyalment ſeiſie del Plee devant que Conuſance ſoit demand donques ils ne averont Conuſance pur ceſt Suit, p̄ c̄ que ils ont neglige lour temps d̄ demand c̄: mes ceſt ne ſerra barre al eux d̄ aver Conuſace ē aut' Action; car ils poyent demand Conuſance en un Action, & omit eso ê un auter, a lour pleaſure.

Et

Et notes, que Conusance ne gist en Prescription, mes il covient monstre Letters Patents le Roy pur ceo.

Coparceners.

COparceners. Veies *Parceners.*

Copyhold.

COpyhold est un Tenure pur quel le Tenant ad riens a monstre forsque les Copies des Rolles fait per le Seneschal del Court son Sñr: Car le Seneschal, sicome il enroll tours autres choses faits en le Court le Sñr, issint il auxy fait tiels Tenants que sont admitte ẽ le Court a asc̃ parcel de Tre ou Tenements apperteynant al Manor; & le Transcript d̃ c̃ est appel *Court-roll*, le Copie de que le Tenant prist de luy, & deteint cõe son sole Evidẽce. *Co. lib.* 4. *fol.* 25 Cest Tenure est appel Base tenure, pur ceo que tient al volunt le Sñr *Kitchen*, *fol.* 80. *Fitz. Nat. Brev. fol.* 12. *b.c.* que dit, que fuit accustome destre appel Tenure en Villenage, & que cest Copyhold nest forsque un novel nosme. Uncore nest meerement al volunt le Sñr, mes accordant al Custome del Manor; issint que si un Copyholder ne pas infreint le Custome del Manor, & per ceo forfeit son Tenure, ne semble tant destoyer al volunt son Sñr pur son droit, come destre dislieu quant a luy pleist. Les Customes d̃ Manors sont infinite variant en un point ou auter fere en chesc̃ several Manor.

And note, That Conusance lies not in Prescription, but behoves to shew the King's Letters Patents for it.

Coparceners.

COparceners. See Parceners.

Copyhold.

COpyhold is a Tenure which the Tenant has nothing to shew but the Copies of the Rolls made by the Steward of his Lord's Court. For the Steward, as he enrolls all other things done in his Lords Court, so he doth also such Tenants as are admitted in the Court to any parcel of Land or Tenement belonging to the Manor; and the Transcript of this is called the Court Roll, the Copy whereof the Tenant takes from him, and keeps as his only Evidence. Coke lib. 4. fol. 25. This Tenure is called a Base Tenure, because it holds at the will of the Lord, Kitchen, fol. 80. Fitzh. Nat. Brev fol 12. b. who saith, it was wont to be called Tenure in Villenage, and that this Copyhold is but a new name. Yet it is not simply at the will of the Lord, but according to the Custom of the Manor; so that if a Copyholder breaks not the Custom of the Manor, and thereby forfeit his Tenure, he seems not so much to stand at his Lord's courtesie for his right, as to be displaced when he pleases. The Customs of Manors are infinite, varying in one point or other almost in every several Manor.

Fit

First, some Copyhold is fineable, and some certain. That which is fineable the Lord rates what Fine he pleases, when the Tenant is admitted unto it: that which is certain is a kind of inheritance, and so called in many places Customary, because the Tenant dying, and the Tenure being void, the next of Blood, paying the customary Fine, cannot be denied admittance.

Secondly, some Copyholders have by Custom the Woods growing upon their own Land, which by the Law they cannot have.

Thirdly, there are Copyholders that hold by the Verge in Ancient demesne, and although they hold by Copy, yet they are in nature of Freeholders; for if such a one commit Felony, the King hath the year, day, and waste, as in case of Freehold. Some others hold by Common Tenure called mere Copyhold, and if they commit Felony, their Land presently escheats to the Lord of the Manor.

West. part. 1. lib. 2. sect. 646. defines a Copyholder thus; Tenant by Copy of Court-roll is he who is admitted Tenant of any Lands or Tenements within a Manor, which time without the Memory of Man, by use and custom of the said Manor, hath been demisable to such as will take the same in fee, feetail, for life, years, or at will, according to the Custom of the said Manor, by Copy of Court-roll.

Primerment, ascun Copyhold est fineable, & ascun certain. Ceo que est fineable le Seign̄r assesse a quel Fine que il voyle, quant le Tenant est a ceo admit: ceo que est certain est un sort d enheritance, & appel ē plusors lieus Customary, pur c̄ que le Tenant morant, & le Tenure esteant void, le prochein du sangue, payat le customary Fine, ne poit estr̄ denie destre admit.

Secondment, ascun Copyholders ont per Custome les Boys crescant sur lour t're demesn̄, quel per le Ley ils ne poyent aver.

Tiercement, la sont Copyholders que tient p̄ le Verge en Ancient demesne, & nient obstant ils tient per Copy, uncore ils sont en nature de Franktenants; car si tiel home fait Felony, le Roy ad an, jour, & vast, come en case de Franktenement. Ascun aut's tient per Common Tenure, appell *mere Copyhold*, & sils commit Felony, lour terre jammes escheatera al Sn̄r del Manor.

West. part 1. *lib.* 2. *sect.* 646. issint define un Copyholder; Tenant per Copy de Courtroll est celuy que est admit Tenant d ascun Tres ou Tenements deins un Manor, que temps ouster le memorie du home, per use & custome del dit Manor, ont este dimisable as tiels q̄ p̄nderōt mesme ē fee, feetaile, p̄ vie, ans, ou a volunt, accordant al Custome del dit Manor, per Copy de Court roll.

Corrige.

Coraage.

Coraage eſt un Impoſition nient ordinary, foundue ſur aſc̄ nient uſual choſe & ſemble deſtre de certain Meaſures de Grain. *Bract. lib. 2. cap. 16. numb. 6.* uſe ceux parols, *Corus tritici*, deſtre un meaſure d̄ Graine; & ē meſm̄ le Capit', *num.* 8. ad ceux parols: *Sunt enim quædam communes Præſtationes, quæ Servitia non dicuntur, nec de Conſuetudine veniunt, niſi cum neceſſitas intervenerit, vel cum Rex venerit: ſicut ſunt Hidagia, Coraagia, & Carnagia, & alia plura de neceſſitate, & ex conſenſu communi totius Regni introducta, & quæ ad Dominum Feudi non pertinent; & de quibus nullus tenetur tenent' ſuum acquietare, niſi ſe ad hoc ſpecialiter obligaverit in Charta ſua.*

Cordwayner.

Cordiner vel *Cordwayner* venuſt de cel *Francois Cordvannier, id eſt, Sutor calcearius, a Corti genere quod* Cordavan *apud Gallos nominatur.* Et eſt un parol mult uſe ē noſtre Statutes, come ē 3 *H. 8. c. cap.* 10. *&* 5 *H. 8. cap.* 7. *&* 1 *Jac.* 22.

Cornage.

Cornage eſt un ſort de Grand Serjeanty, le Service d̄ quel Tenure eſt, d̄ vētier un Cornu quāt aſc̄ Invaſion des enemies del Pais Artiq̄ eſt deſcrie. Et p̄ c̄ pluſors hōes tiendront lour t're ē les ptes Septentrionals, environ le Pariet cōmunem̄t appel *l'Pariet des Pict. Cam. Br. p.* 609.

Coraage.

Coraage is an Impoſition extraordinary, growing upon ſome unuſual occaſion, and ſeems to be of certain Meaſures of Corn. Bract. lib. 2. cap. 16. numb. 6. uſes Corus tritici for a meaſure of Corn; and in the ſame Chapter, numb. 8. hath theſe words: There are certain common Preſtations, which are not called Services, neither do they ariſe from Cuſtom, unleſs ſome neceſſary occaſion happen, or that the King comes: ſuch are Hidage, Coraage, and Caruage, and many others which are performed in caſes of neceſſity, by the common conſent of the whole Kingdom, and which appertain not to the Lord of the Fee; nor is he bound to acquit his Tenant thereof, unleſs he hath eſpecially tied himſelf thereto by his own Deed.

Cordwayner.

Cordiner or Cordwayner comes from the French Cordvannier, that is, a Shoomaker, from a kind of Leather which the French-men called Cordavan. And it is a word much uſed in our Statutes, as in thoſe of 3 Hen. 8. cap. 10. 5 Hen. 8. cap. 7. & 1 Jac. cap. 22.

Cornage.

Cornage is a kind of Grand Serjeanty; the Service of which Tenure is, to blow an Horn when any Invaſion of the Northern enemy is perceived. And by this many Northward held their Land about the Wall commonly called the Picts Wall. Cambden's Brit. pag. 609.

See Littleton, fol. 35. where
ſaith, That in the Marches
Scotland ſome hold of the
ing by Cornage, that is to
y, by blowing a Horn; to
arn the Country when they
ar that the Enemies will
me; which Service is
rand Serjeanty.

Corodie.

Orodie is an Allowance of
Meat, Bread, Drink, Mo-
ey, Cloathing, Lodging, and
uch like Neceſſaries for ſuſte-
ance. It is ſometimes cer-
ain where the certainty of
ings is ſet down; ſometimes
ncertain, where the certainty
not ſet down which he
all have.

And ſome of them began by
Grant made by one Man to
nother, and it may be for
Life, Years, in Tail, or in
Fee: and ſome Corodies are
of common right, as every
Founder of Abbeys and other
Houſes of the Popiſh Religion
had authority to aſſign ſuch in
the ſame Houſes, for Father,
Brother, Couſin, or other that
he would appoint, if it were a
Houſe of Monks; and if he were
Founder of a Houſe of Nuns,
then for his Mother, Siſter,
or other Woman: and always
this was provided for, that he
that had a Corodie in a Houſe
of Monks might not ſend a
Woman to take it; nor where
Corodie was due in a Nunne-
ry, there it was not lawful to
appoint a Man to receive it;
or in both caſes ſuch Preſen-
tation was to be rejected. And
this Corodie was due as well
to a common Perſon Founder,
as where the King himſelf was

Veies *Littleton, fol.* 35. ou
il dit, Que en le Marches de
Eſcoce aſcun teignont del
Roy per Cornage, ceſt-
aſcavoir, per ventier un
Cornu, pur garner homes
de Pais quant ils oyent
que Enemies veignont;
quel Service eſt *Grand Ser-
jeanty.*

Corodie.

Corodie eſt un Allowance
de Meat, Pane, Boyer,
Argent, Veſtments, Lodg-
ing & tiels choſes neceſ-
ſary pur ſuſtenance. Ceo
aſcun foits eſt certain, ou
le certainty des choſes eſt
limit; aſcun foits uncertain,
lou neſt limit en certainty
que il aver.

Et aſcun d eux commence
p Graunt fait p aſcun hõe
al auter, & poet eſtre p̃ vie,
ans, en taile ou fee: &
aſcun Corodies ſont d cõmon
droit, ſicõe cheſcun Founder
d Abbeys & auters Meaſons
Papiſticks avoyent authori-
tie d aſſigner ẽ meſme les
Meaſons, p̃ ſon Pere, Frere,
Couſin, ou auter q̃ il voit,
ſil fuit un Meaſon de
Moignes; & ſi il ſoit Foun-
der del Meaſon de Nuns,
donques ceo p̃ ſa Mere, Soer,
ou auter Mulier: & touts
jours ceſt proviſo fuit, q̃ il q̃
ad Corodie ẽ un Meaſon de
Moignes, ne duiſt mitter un
feme de prender ceo, ne ou
Corodie fuit due ẽ un Nun-
nerie, la il ne fuit loyal de
appointer un hõe d receiver
ceo; car ẽ ãbideux caſes tiel
Preſentatiõ fuit deſtre reject.
Et ceſt Corodie fuit due cy-
biẽ a un cõmõ p̃ſon Founder,
ſicõe ou le Roy meſme fuit

Founder

Coraage.

Coraage eſt un Impoſition nient ordinary, foundue ſur aſc̃ nient uſual choſe & ſemble deſtre de certain Meaſures de Grain. *Bract. lib. 2. cap. 16. numb. 6.* uſe ceux parols, *Corus tritici*, deſtre un meaſure d̃ Graine; & ẽ meſm̃ le Capit', *num.* 8. ad ceux parols: *Sunt enim quædam communes Præſtationes, quæ Servitia non dicuntur, nec de Conſuetudine veniunt, niſi cum neceſſitas intervenerit, vel cum Rex venerit: ſicut ſunt Hidagia, Coraagia, & Carnagia, & alia plura de neceſſitate, & ex conſenſu communi totius Regni introducta, & quæ ad Dominum Feudi non pertinent; & de quibus nullus tenetur tenent' ſuum acquietare, niſi ſe ad hoc ſpecialiter obligaverit in Charta ſua.*

Cordwayner.

Cordiner vel *Cordwayner* venuſt de cel *Francois Cordvannier, id eſt, Sutor calcearius, a Corti genere quod* Cordavan *apud Gallos nominatur.* Et eſt un parol mult uſe ẽ noſtre Statutes, come ẽ 3 *H. 8. c. cap.* 10. *&* 5 *H. 8. cap.* 7. *&* 1 *Jac.* 22.

Cornage.

Cornage eſt un ſort de Grand Serjeanty, le Service d̃ quel Tenure eſt, d̃ vẽtier un Cornu quãt aſc̃ Invaſion des enemies del Pais Artiq̃ eſt deſcrie. Et p̃ c̃ pluſors hões tiendront lour t're ẽ les ptes Septentrionals, environ le Pariet cõmunem̃t appel *l'Pariet des Pict. Cam. Br. p.* 609.

Coraage.

Coraage is an Impoſition extraordinary, growing upon ſome unuſal occaſion, and ſeems to be of certain Meaſures of Corn. Bract. lib. 2. cap. 16. numb. 6. uſes Corus tritici for a meaſure of Corn; and in the ſame Chapter, numb. 8. hath theſe words: There are certain common Preſtations, which are not called Services, neither do they ariſe from Cuſtom, unleſs ſome neceſſary occaſion happen, or that the King comes: ſuch are Hidage, Coraage, and Caruage, and many others which are performed in caſes of neceſſity, by the common conſent of the whole Kingdom, and which appertain not to the Lord of the Fee; nor is he bound to acquit his Tenant thereof, unleſs he hath eſpecially tied himſelf thereto by his own Deed.

Cordwayner.

Cordiner or Cordwayner comes from the French Cordvannier, that is, a Shoomaker, from a kind of Leather which the French-men called Cordavan. And it is a word much uſed in our Statutes, as in thoſe of 3 Hen. 8. cap. 10. 5 Hen. 8. cap. 7. & 1 Jac. cap. 22.

Cornage.

Cornage is a kind of Grand Serjeanty; the Service of which Tenure is, to blow an Horn when any Invaſion of the Northern enemy is perceived. And by this many Northward held their Land about the Wall commonly called the Picts Wall. Cambden's Brit. pag. 609.

See Littleton, fol. 35. where ſaith, That in the Marches Scotland ſome hold of the ing by Cornage, that is to y, by blowing a Horn; to arn the Country when they ar that the Enemies will me; which Service is rand Serjeanty.

Corodie.

Corodie is an Allowance of Meat, Bread, Drink, Money, Cloathing, Lodging, and uch like Neceſſaries for ſuſtenance. It is ſometimes certain where the certainty of ings is ſet down; ſometimes ncertain, where the certainty s not ſet down which he all have.

And ſome of them began by Grant made by one Man to nother, and it may be for Life, Years, in Tail, or in Fee: and ſome Corodies are f common right, as every Founder of Abbeys and other ouſes of the Popiſh Religion ad authority to aſſign ſuch in he ſame Houſes, for Father, Brother, Couſin, or other that e would appoint, if it were a ouſe of Monks; and if he were Founder of a Houſe of Nuns, hen for his Mother, Siſter, r other Woman: and always his was provided for, that he hat had a Corodie in a Houſe f Monks might not ſend a Woman to take it; nor where Corodie was due in a Nunnery, there it was not lawful to appoint a Man to receive it; for in both caſes ſuch Preſentation was to be rejected. And his Corodie was due as well o a common Perſon Founder, as where the King himſelf was

Veies *Littleton, fol.* 35. ou il dit, Que en le Marches de *Eſcoce* aſcun teignont del Roy per Cornage, ceſt-aſcavoir, per ventier un Cornu, pur garner homes de Pais quant ils oyent que Enemies veignont; quel Service eſt *Grand Serjeanty.*

Corodie.

Corodie eſt un Allowance de Meat, Pane, Boyer, Argent, Veſtments, Lodging & tiels choſes neceſſary pur ſuſtenance. Ceo aſcun foits eſt certain, ou le certainty des choſes eſt limit; aſcun foits uncertain, lou neſt limit en certainty que il aver.

Et aſcun d eux commence p Graunt fait p aſcun hõe al auter, & poet eſtre p̃ vie, ans, en taile ou fee: & aſcun Corodies ſont d cõmon droit, ſicõe cheſcun Founder d Abbeys & auters Meaſons Papiſticks avoyent authoritie d aſſigner ẽ meſme les Meaſons, p̃ ſon Pere, Frere, Couſin, ou auter q̃ il voit, ſil fuit un Meaſon de Moignes; & ſi il ſoit Founder del Meaſon de Nuns, donques ceo p̃ ſa Mere, Soer, ou auter Mulier: & touts jours ceſt proviſo fuit, q̃ il q̃ ad Corodie ẽ un Meaſon de Moignes, ne duiſt mitter un feme de prender ceo, ne ou Corodie fuit due ẽ un Nunnerie, la il ne fuit loyal de appointer un hõe d receiver ceo; car ẽ ãbideux caſes tiel Preſentatiõ fuit deſtre reject. Et ceſt Corodie fuit due cybiẽ a un cõmõ pſon Founder, ſicõe ou le Roy meſme fuit

Founder

Founder. Mes ou le Meason fuit tenus en Frankalmoigne, la le Tẽure meſme fuit un diſcharge d̄ Corodie encounter touts hões, ſinon q̄ il fuit apres charge voluntariment; come ou le Roy voit mitter ſon Brief al Abbey p̄ un Corodie p̄ un tiel, le que ils admit, la le Meaſon doit eſtre charge p̄ ceo a touts jours, ſi le Roy ſoit Founder ou nemy. Veies Brief de *Corodio habendo* en *Fitz. Nat. Brev. fol.* 230.

Founder. But where the Houſe was holden in Frankalmoigne, there the Tenure itſelf was a diſcharge of Corodie againſt all Men, except they were afterward charged voluntarily; as when the King would ſend his Writ to the Abbot for a Corodie for ſuch one, whom they admit, there the Houſe ſhould be thereby charged for ever, whether the King were Founder or not. See the Writ of Corodio habendo in Fitz. Nat. Brev. fol. 230.

Coroner.

Coroner eſt un ancient Officer d̄ Truſt, & d̄ grand Authority, ordeine deſtre un principal Conſervator ou Gardian de le Peace, a port' record des Plees del Corone, & del ſon view demeſne, & de divers auters choſes, &c. Et p̄ ceo en temps de *Ed.* 1. fuit enact q̄, Pur ceo que petit Gentes meins ſages ſoyent eſlieus ore de novel communement al Office del Coroner, ou meſtier ſerroit q̄ probes homes, loyalx, & ſages, ſe entermellant d̄ cel Office; purview eſt, Que p̄ touts les Counties ſoient eſlieus ſufficient homes Coroners, de pluis loyalx & pluis ſages Chivalers, que mieulx ſachant, puiſſent & voilent a cel Office entender, & q̄ loyalm̄t attachent & repreſentent les Plees del Corone.

Et nient obſtant le letter de ceſt Statute ne ſoit preciſement obſerve, uncore al meins l'entent doit eſtre purſue cy pres come poit; iſſint q̄ pur le default des

Coroner.

A Coroner is an ancient Office of Truſt, and of great Authority, ordained to be a principal Conſervator or Keeper of the Peace, to bear record of the Pleas of the Crown, and of his own view, and of divers other things, &c. And therefore in the time of Ed. it was enacted that, Forasmuch as mean Men and indiſcreet now of late are commonly choſen to the Office of Coroner where it is requiſite that wiſe Men, lawful and able, ſhould execute ſuch Offices, it is provided, That through all Shires ſufficient Men ſhall be choſen to be Coroners, out of the moſt wiſe and diſcreet Knights which beſt know, can and will attend this Office, and which faithfully will make and repreſent the Pleas of the Crown.

And although the letter of this Statute be not preciſely obſerved, yet at leaſt the intent ſhould be followed as nigh as might be; ſo that for the default of Knights and Gentlemen

Chivalers & Gentlehomes, furnished ove tiels qualities ſicome le Statute parle, (d̄ que ils y ad divers) auters poient eſtre eſlieu, ove ceſt addition que ils ſoyent vertuous & bōe Chriſtians. Veies ceo en le Brief *de Coronatore eligendo* en *Fitzh. Nat. brev. fol.* 163.

Quant le Coroner eſt d'enquirer del mort d̄ aſcun Perſon, ou faire auter choſe cōcernant ſon Office, il doit ceo faire en Perſon: & ſur le ſubit mort d̄ aſcun, il meſme doit veyer le mort corps quāt il fait ēquirie, ou autrement l'enquirie neſt bōe; car il voile ēquirer d̄ aſc̄ mort ſon ſans luy veyer, ceo ē ſās authoritie, & iſſint void. Et ſi le corps ſoit enterre devat ſon venu, il doit c̄ Recorder en ſes Rolles, al entent q̄ le Ville ou l'enterrem̄t fuiſt fait ſerra amerce p̄ ceo devant les Juſtices ē Eyre, ſur le view des Rolles del Coroner. Et nient meins le Coroner doit deſover le corps hors del Terre, & prendre ēquirie ſur view del corps, ſe il ſerroit ſil nayoit eſte terre: & la Ville ſerra auxi amerce, ſils ſuffrōt luy giſer ſur la Terre a putrefaction & grand ordeur, ſans mander al Coroner. Et ſi le Coroner ſoit negligent ē venir faire ſon Office, apres que les Bailiffs, ou homes d̄ Pais ont mandē p̄ luy, il ſerra punie.

Coment p̄ le Ley q̄ Coroner ne puit enquirer d̄ aſc̄ Felonie, forſq; d̄ mort d̄ hōe; men ad eſte dit, q̄ en Northumberland ils enquirront de

men, furniſhed with ſuch qualities as the Statute ſets down (of which ſort there are many) others might be choſen, with this addition, that they be vertuous and good Chriſtians. See hereof in the Writ de Coronatore eligendo, in Fitzh. Nat. Brev. fol. 163.

When the Coroner is to inquire of the death of any Perſon, or to do other thing concerning his Office, he ought to do it in Perſon: and upon the ſudden death of any one, he himſelf ought to ſee the dead Body when he makes inquiry, or otherwiſe the inquiry is not good; for if he will inquire of any dead Perſon without view, this is without authority, and ſo void. And if the Body be buried before his coming, he ought to record it in his Rolls; to the intent that the Town, where the burying was, ſhould be amerced for it before the Juſtices in Eyre, upon the ſight of the Coroner's Rolls. And nevertheleſs the Coroner ought to take up the Body out of the Ground, and make the inquiry upon view of the Body, as he ſhould do if it had not been buryed: and the Town ſhall alſo be amerced, if they ſuffer it to lie on the Ground to putrify or ſtink, without ſending to the Coroner. And if the Coroner be negligent in coming to do his Office, after the Bailiffs or Country-men have ſent for him, he ſhall be puniſhed.

Although by the Law the Coroner cannot enquire of any Felony, but the death of a Man; yet it hath been ſaid, that in Northumberland they inquire of

touts Feloníes ; mes cel authoritie ils maintenont per Preſcription. Si home ſoit occiſe ou merge ẽ les braches ou ſauſes del mere, lou hõe poit veier terre de un part & de auter, le Coroner enquirera de ceo, & nemy le Admiral, pur ceo que le Pais poit bien de ceo aver conuſance.

all Felonies ; but this authority they maintain by Preſcription. If a Man be killed or drowned in the Arms or Creeks of the Sea, where a Man may ſee Land from the one part to the other, the Coroner ſhall enquire thereof, and not the Admiral, for that the Country may well have knowledge thereof.

Mes le Coroner del Hoſtel le Roy ad un exempt juriſdiction deins le Vierge, & le Coroner del Countie ne poit entermeddle deins ceo ; ſicome le Coroner del Hoſtel ne poit entermeddle deins le Countie hors del Vierge.

But the Coroner of the King's Houſe hath an exempt juriſdiction within the Verge, and the Coroner of the County cannot intermeddle within it ; as the Coroner of the Houſe cannot intermeddle within the County out of the Verge.

Si le Demandant ou Plaintiff ſoit non-ſute, ou ſi Jugement ſoit done vers le Tenant ou Defendant, ou ſemblables, les Juſtices ne unques aſſeſſeront aſcun Amerciament, mes le Clerk des Garrants fait Eſtreats d eux, & deliver eux aux Clerks de Aſſiſe deins chesc̃ Circuit, a deliver eux al Coroners en cheſcun Countie, de afferer & aſſeſſer l'Amerciamẽts, p̃ ceo q̃ ils ſont penſe pluis indifferent, entant q̃ ils ſont elect̃ p̃ tout le Countie.

If the Demandant or Plaintiff be non-ſuited, or Judgment be given againſt the Tenant or Defendant, or ſuch like, the Juſtices never aſſeſs any Amerciament, but the Clerk of the Warrants makes Eſtreats thereof, and delivers them to the Clerks of Aſſiſe within every Circuit, to deliver them to the Coroners in every County, to affere or aſſeſs the Amerciaments, becauſe they are thought moſt indifferent, foraſmuch as they are choſen by the whole County.

Si un Approver dit, q̃ il cõmence ſon Appeale devãt le Corõer p̃ Dures, ceo ſerra trie per le Coroner ; & ſi le Coroner ceo denie, l'Approver ſerra pendus. Per queux caſes il appiert, q̃ le Ley dõe grand credance & authoritie al Coroners.

If an Approver ſaith, that he began his Appeal before the Coroner by Dureſs, that ſhall be tried by the Coroner ; and if the Coroner denies it, the Approver ſhall be hanged. By which caſes it appears, that the Law gives much credit and authority to Coroners.

Corporation

Corporation.

CO2poration is a permanent thing, that may have ſucceſſion: And it is an Aſſembly and joining together of many into one Fellowſhip, Brotherhood, and Mind, whereof one is Head and Chief, the reſt are the Body; and this Head and Body knit together make the Corporation. And of Co2porations, ſome are Spiritual, ſome Tempo2al: and of Spiritual, ſome are Co2po2ations of dead Perſons in Law, and ſome otherwiſe; and ſome are by Autho2ity of the King only, and ſome have been of a mixt Autho2ity.

And of thoſe that are Tempo2al, ſome are by the Autho2ity of the King alſo, and ſome by the Common Law of the Realm.

Corporation Spiritual, and of dead Perſons in the Law, is where the Co2po2ation conſiſts of an Abbot and Convent, which had beginning of the King, and the Pope when he had to do there.

Corporation Spiritual, and of able Perſons in Law, is, where the Co2po2ation conſiſts of a Dean and Chapter, Maſter of a College o2 Hoſpital; and this Co2po2ation had beginning of the King only.

Corporation Temporal by the King is, where there is a Mayo2 and Commonalty.

Corporation Temporal by Autho2ity of the Common Law, is the Aſſembly in Parliament, which conſiſts of the King, the Head of the Co2po2ation; the Lords Spiritual and Tempo2al, and the Commons of the

Corporation.

C*Corporation* eſt un choſe permanent, q̄ poit aver ſucceſſion: & eſt un Aſſembly & joyning enſemble de divers en un Fellowſhip, Fraternitie, & Ment, de q̄ un eſt le Teſte & Principal, les auters ſont le Corps; & ceſt Teſte & Corps joynt enſemble font le *Corporation*. Et de Corporations, aſcun ſont Spirituals, aſcuns Temporals; & de Spirituals, aſcun fueront Corporations d̄ mort Perſons en Ley, & aſcuns auterment; & aſcun ſont p̄ Authoritie del Roy ſolement, aſcuns ont eſte d̄ un mixt Authoritie.

Et de ceux queux ſon Temporal, aſcuns ſont per Authoritie d̄ Roy auxy, & aſcuns per le Common Ley del Royalm.

Corporation Spiritual, & de mort Perſons en le Ley, eſt lou le Corporation conſiſt d̄ un Abbe & Covent, queux ōt lour cōmenceñt del Roy, & le Pape, quant il y ad a faire cy.

Corporation Spiritual, & del able Perſons ē Ley, eſt, lou le Corporatiō conſiſt d̄ un Dean & Chapter, Maſter del Colledge ou Hoſpital; & ceſt Corporatiō ad cōmenceñt d̄ Roy ſoleñt.

Corporation Temporal per le Roy eſt un Mayor & Cōmunaltie.

Corporation Temporal p̄ Authoritie del Common Ley eſt le Aſſembly en Parliament, le quel cōſiſt del Roy, le Teſte del Corporatiō; les Seigniours Spirituals & Tēporals, & les Commons del

Royalm, le Corps del Corporation,

Corps politique.

Corps politique ſont Eveſqs, Abbes, Priors, Deans, Parſons d'un Eſgliſe, & tiels ſemblables, queux ont ſucceſſion en un Perſon ſolement.

Si Terre ſoit done al Maior & Communaltie pur lour vies, ils ont Eſtate p entendment nient determinable. Iſſint eſt ſi Feoffment ſoit fait de Terre al Deane & Chapter, ſans parlance de Succeſſors. Releaſe d'un Maior p̄ aſcun ſum̄e d̄ argent due al Corporation ē ſon noſme demeſne neſt bōe en Ley. En caſe d̄ un ſole Corporation, ou Corps politique come Eveſque, Parſon, Vicar, Maſter d̄ Hoſpital, &c. nul Chattel ou ē Action ou Poſſeſſion alera ē Succeſſiō, mes les Executors ou Adminiſtrators del Eveſq̄, Parſon, &c. eux avera; car Succeſſion ē Corps politiq̄ eſt cōe Enheritance en caſe d'un Corps private. Mes auterm̄t eſt ē caſe dun Corporation aggregate d̄ pluſors, come Deane & Chapter, Maior & Communaltie, & ſemblables; car la ils en jugement del ley ne unques deviont.

Uncore le caſe del Chamberlain d̄ *Londres* differt d̄ touts ceux, & ſon Succeſſor poit ē ſon noſme demeſne aver Executiō d̄ un Recogniſance conuſt a ſon Predeceſſor p̄ Orphanage money: & le reaſon eſt, p̄ ceo q̄ ē ceſt caſe le Corporatiō del Chamberlain eſt p̄ Cuſtome,

Realm, the Body of the Corporation.

Bodies politique.

BOdies politick are Biſhops, Abbots, Priors, Deans, Parſons of Churches, and ſuch like, which have ſucceſſion in one Perſon only.

If Land be given to a Mayor and Commonalty for their Lives, they have an Eſtate by intendment not determinable. So it is if a Feoffment be made of Land to a Dean and Chapter, without ſpeaking of Succeſſors. Releaſe of a Mayor for any ſumm of Money due to the Corporation, in his own name, is not good in Law. In caſe of a ſole Corporation, or Body politick, as Biſhop, Parſon, Vicar, Maſter of Hoſpital, &c. no Chattel, either in Action or Poſſeſſion, ſhall go in Succeſſion, but the Executors or Adminiſtrators of the Biſhop, Parſon, &c. ſhall have them; for Succeſſion in a Body politick is as Inheritance in caſe of a Body private. But otherwiſe it is in caſe of a Corporation compoſed of many, as a Dean and Chapter, Mayor and Commonalty, and ſuch like; for there they in judgment of the Law never die.

Yet the caſe of the Chamberlain of London differs from all theſe, and his Succeſſor may in his own name have Execution of a Recogniſance acknowledged to his Predeceſſor for Orphanage Money; and the reaſon is, becauſe in this caſe the Corporation of the Chamberlain is by Cuſtom,

and

and the ſame Cuſtom that hath created him, and made a Corporation in Succeſſion, as to the ſaid ſpecial purpoſe concerning the Orphanage, hath enabled the Succeſſor to take ſuch Recognizances, Obligations, &c. that are made to his Predeceſſor. And this Cuſtom is founded upon great reaſon; for the Executors or Adminiſtrators of the Chamberlain ought not to intermeddle with ſuch Recognizances, Obligations, &c. which by the ſaid Cuſtom are taken in the corporate capacity of the Chamberlain, and not in his private. But a Biſhop, Parſon, &c. or any ſole Corporation, that are Bodies politick by Preſcription, cannot take a Recognizance or Obligation, but only to their private, and not in their politick capacity; for they want Cuſtom to take a Chattel in their politick or corporate capacity.

Corpus cum Cauſa, or Habeas Corpus.

CORPUS cum Cauſa is a Writ iſſuing out of the Chancery, to remove both the Body and the Record of the Cauſe of any Man lying in Execution upon a Judgment for Debt, into the King's Bench, &c. there to lie till he have ſatisfied the Judgment. Fitzh. Nat. Brev. fol 251. e.

It lies alſo to remove any Action from inferiour Courts of Record into any of the 3 Courts in Weſtm.

& meſme le Cuſtõe q̃ ad luy create, & fait un Corporation ẽ Succeſſion quãt al dit ſpecial purpoſe concernant Orphanage, ad enable le Succeſſor a p̃nder tiels Recogniſances, Obligations, &c. que ſont faits a ſon Predeceſſor. Et tiel Cuſtome eſt foundue ſur grand reaſon; car les Executors ou Adminiſtrators del Chamberlain ne doient entermeddle ove tiels Recogniſances, Obligations, &c. queux p̃ le dit Cuſtome sõt priſe ẽ le corporate capacity del Chamberlain, & nemy ẽ ſon private. Mes Eveſque, Parſon, &c. ou aſcun ſole Corporation, q̃ ſont Corps politique p̃ Preſcription, ne poyent prẽder Recogniſance ou Obligation, mes ſolem̃t a lour private, & nemy en lour politique capacity; car la fault Cuſtome a prender Chattel en lour politique ou corporate capacitie.

Corpus cum Cauſa, vel Habeas Corpus.

CORPUS cum Cauſa eſt un Brief iſſuant hors del Chancery, a rẽover ẽſemble le Corps & le Record del Cauſe d aſcun home en Execution ſur Jugement pur Dett, ẽ Banque le Roy, &c. cy remainer donq̃ il ad ſatisfie le Jugement. *Fitzh. Nat. Brev. fol.* 251. *e*

Ceo giſt auxy a remover un Actiõ hors des inferior Courts de Record en aſcuns Courts del Ley en *Weſtm.*

Corruption de Sanke.

Corruption de Sanke eſt, quant aſc eſt attaint de Felony ou Treaſon, donques ſon Sanke eſt dit deſtr̃ *corrupt*; p reaſon de quel ſes enfants, ne aſc d ſon Sank, ne poient eſtre heires a luy, ne al aſcun auter Anceſtor, pur ceo q̃ ils doyent claime per luy. Et ſil fuit Noble ou Gentlehome devant, il & touts ſes enfants p ceo ſont faits ignoble & ungentle, ayant regard al Nobilitie ou Gentrie ils claime p lour pere, q̃ ne poit eſte fait ſane arere per Grant le Roy ſans authoritie d Parliament.

Mes ſi le Roy voile pardō l'offendor, il voile purger le Corruption del Sanke des tiels iſſues queux ſont nee puis le Pardon, & ils poyent inherit le terre de lour Anceſtor purchaſe al temps del Pardon, ou apres; mes iſſint ne poyent ils queux fueront nee devant le Pardō. Auxy il q̃ eſt attaint de Treaſon ou Felonie ne ſerra heir a ſon pere: mes ceſt diſabilitie eſtoppera auters deſtre ſon heire, iſſint que durant ſon vie le terre potius eſchetera al Seigniour del Fee, que diſcend al auter.

Mes ſi il que eſt attaint moruſt ſans iſſue de ſon corps, durant le vie ſon Anceſtor, donque ſon puiſne Frere, Soer, ou Couſin inheritera: car ſi leigne fits ſoit pendus, ou abjure le Terre p Felonie, durant le vie le Pere il neſt impediṁt mes que le puiſn fits puit inheriter 27 *Ed.* 3 *c.* 77. Et ſil que eſt attaint de Treaſon ou Felonie

Corruption of Blood.

Corruption of Blood is, when any one is attainted of Felony or Treaſon, then his Blood is ſaid to be corrupt; by means whereof neither his Children, nor any of the Blood, can be Heirs to him, or to any other Anceſtor, for that they ought to claim by him. And if he were a Noble or Gentleman before, he and all his Children are made thereby ignoble and ungentle, having regard to the Nobility or Gentry they claim by their Father, which cannot be reſtored by the King's Grant, without authority of Parliament.

But if the King will pardon the offendor, it will cleanſe the corruption of the Blood of thoſe Children which are born after the Pardon, and they may inherit the Land of their Anceſtor purchaſed at the time of the Pardon, or afterwards; but ſo cannot they who were born before the Pardon. Alſo he that is attainted of Treaſon or Felony ſhall not be Heir to his Father: But this diſability ſhall hinder others to be Heir, ſo that during his life the land ſhall rather eſcheat to the Lord of the Fee, than deſcend to another.

But if he who is attainted, dies without iſſue of his Body, during the life of his Anceſtor, then his younger Brother, Siſter, or Couſin ſhall inherit: for if the eldeſt Son be hanged, or abjure the Realm for Felony, during the life of the Father, it is no impediment but that the youngeſt Son may inherit. 27 Ed. 3. cap 77. And if he who is attaint of

Trea-

Treaſon or Felony in the life of his Anceſtor, purchaſe the King's Pardon before the death of his Anceſtor, yet he ſhall not be Heir to the ſaid Anceſtor, but the Land ſhall rather eſcheat to the Lord of the Fee by the Corruption of Blood, 26 Aſſ. pla. 2. But if the eldeſt Son be a Clerk convict in the life of his Father, and after his Father dies; in this caſe he ſhall inherit his Fathers Land, becauſe he was not attainted of Felony; for by the Common Law he ſhould inherit after he had made his Purgation. And now by the Statute of 18 El. cap. 6. he ſhall be forthwith enlarged after burning in the hand, and delivered out of Priſon, and not committed to the Ordinary to make his Purgation; but he is in the ſame caſe as if he had made his Purgation.

If a man that hath Land in right of his wife hath iſſue, and his Blood is corrupt by Attainder of Felony, and the King pardons him; in this caſe, if the wife dies before him, he ſhall not be Tenant by the courteſie, for the corruption of the blood of that iſſue. But it is otherwiſe if he hath iſſue after the Pardon; for then he ſhall be Tenant, although the iſſue which he had before the Pardon be not inheritable. 13 Hen. 7. cap. 17.

If a man ſeiſed of Land hath iſſue two ſons, and the eldeſt is attainted in the life of his Father of Felony, and therefore executed, or otherwiſe dies during the life of his Father, and after the Father dies ſeiſed; the Land ſhall deſcend to the youn-

en le vie de ſon Anceſtor, purchaſe le Pardon le Roy devant le mort ſon Anceſtor, uncore il ne ſerra Heire al dit Anceſtor, mes la Terre potius eſchetera al Seigniour del Fee per le Corruption del Sanke, 26 *Aſſ. placit.* 2. Mes ſi leigne fits ſoit Clerk convict en le vie ſon Pere, & puis ſon Pere moruſt; en ceſt caſe il inheritera la Terre ſon Pere, pur ceo que il ne fuit attaint de Felonie; car per le Common Ley il ſerroit inherit puis que il ad fait ſon Purgation. Et jammes per le Stat. de 18 *Eliz. cap.* 6. il ſerra ſubit enlarge puis le arſer en le maine, & deliver hors de priſon, & nient commit al Ordinary a fair ſon Purgation; mes il eſt en meſme plite come il ad fait ſon Purgation.

Si home que ad Terre en droit la feme ad iſſue, & ſon Sank eſt corrupt per Attainder de Felony, & le Roy luy pardon; en ceſt caſe, ſi le feme moruſt devant luy, il ne ſerra Tenant per le curteſie, pur le Corruption del Sanke de cel iſſue. Mes auterment eſt ſil ad iſſue puis le Pardon; car donque il ſerra Tenant, nient obſtant que le iſſue que il avoit devant le Pardon ne ſoit inheritable, 13 *H.* 7. *cap.* 17

Si home ſeiſie de Terre ad iſſue deux fits, & leigne eſt attaint en le vie ſon Pere de Felonie, & pur ceo execute, ou auterment moruſt durant le vie de ſon pere, & puis le pere moruſt ſeiſie; le Terre diſcendra al

puisne fits, come Heire a son pere, si leigne fits had issue donques en vie. Mes si le eigne fits, que fuit attaint, ad ascun issue en vie, que inheritera mes pur le attainder, le Terre escheatera al Seigniour, & ne discendera al puisue frere, pur ceo que le Sank del eigne frere est corrupt, 32 *Hen.* 8. *Dy.* 48.

gest son, as Heir unto his Father, if the eldest Son hath no issue then alive. But if the eldest Son, who was attaint, hath any issue alive, which should have inherited but for the Attainder, the Land shall escheat to the Lord, and shall not discend to the youngest brother, because the Blood of the eldest Brother is corrupt. 32 Hen. 8. Dyer 48.

Mes est destre observe, Que la sont ascuns choses fait Treason per Act de Parlement, de queux com̃t que home soit attaint, uncore son Sanke nest corrupt, & il forfeitera riens, forsque ceo que il ad pur son vie demesne: Come si home soit attaint sur le Stat. de 5 *Eliz. cap.* 1. ordeigne envers le maintenance del authoritie del Evesque & See de *Rome*, ceo ne extendera a faire ascun Corruption de Sanke, le disheritance dasc̃ Heire, forfeiture dasc̃ Dower, ne al prejudice del droit ou title dasc̃ person, aut' q̃ le Offendor durant son natural vie solement.

But it is to be noted, That there are divers things made Treason by Act of Parliament, whereof although a man be attainted, yet his Blood is not corrupt, neither shall he forfeit any thing, but that which he hath for his own life; As if a man be attainted upon the Statute of 5 Eliz cap. 1. ordained against the maintaining of the authority of the Bishop and See of Rome, this shall not extend to make any Corruption of Blood, the disheritance of any Heir, forfeiture of any Dower; nor to the prejudice of the right or title of any person, other than the Offendor during his natural life only.

Issint si home soit attaint per force del Statute de 5 *El. cap.* 11. provide encounter le Clipping, washing, filing, & rounding de Argent, uncore la nest ascun Corruption de sanke. En m̃ le manner est del Stat de 18 *Eliz. cap.* 1. 1 *Ja. ap* 12. 1 *Mar. cap* 12. encounter illoyal assemblies; & 5 *Eliz. cap.* 14. encounter le Forger de faits; & le Statute de 31 *Eliz. cap.* 4. encounter le Embeasilling le Ordnance, Armour, & Artillerie le Roign̄e.

So if a man be attaintd by force of the Statute of 5 Eliz. cap. 11. provided against the Clipping, Washing, Filing, and rounding of Money, yet there is no Corruption of Blood In the same manner is it of the Statute of 18 Eliz. cap. 1. 1 Jac. cap. 12. 1 Mar. cap. 12. against Unlawful assemblies, and 5 Eliz. cap. 14. against the forging of Evidence; and the Statute of 31 Eliz cap. 4. against the Embeziling of the Queen's Ordnance, Armour, or Artillery.

Corse,

Corſe preſent.

Corſe preſent are words ſignifying a Mortuary; and the raſon why the Mortuary is ſo termed, is, becauſe where a Mortuary was wont to be due, the Body of the beſt Beaſt was, according to the Law or Cuſtom, offered or preſented to the Prieſt. See Anno 21 Hen. 8. cap. 6. where among other things it is enacted, That no Corſe preſent, nor any Sum of Money, or other thing, for any Mortuary or Corſe preſent, ſhall be demanded, received, or had, but only in ſuch Places and Towns where Mortuaries have been accuſtomed to be taken and paid.

Coſinage.

Coſinage is a Writ that lies where my great Grandfather, my Grandfathers Grandfather, or other Couſin, dies ſeiſed in Fee-ſimple, and a Stranger abates, viz. enters into the Lands; then I ſhall have againſt him this Writ or againſt his Heir, or his Alienee, or againſt whoſoever comes after to the ſaid Lands: But if my Grandfather die ſeiſed, and a Stranger abates; then I ſhall have a Writ of Ayel. But if my Father, Mother, Brother, Siſter, Uncle, Aunt die ſeiſed, and a Stranger abates; then I ſhall have an Aſſiſe of Mortdauncеſter.

Corſe preſent.

Corſe preſent ſont parols ſignificant un Mortuarie; & le reaſon p̄ que le Mortuarie eſt iſſint appel eſt, pur ceo que ou un Mortuarie ſoloit deſtre due, le *Corps* del mieux des Avers fuit, ſolonq; le Ley ou Cuſtome, offer ou *preſent* al Prieſtre. Veies *Ann.* 21 *H.* 8. *cap.* 6. ou enter aut' choſes eſt enact, Que nul Mortuary ne *Corſe preſent*, ne aſcun ſum d argent ou auter choſe, pur aſcun Mortuarie ou *Corſe preſent*, ſerra demaund, receive, ou ad, mes ſolement en tiels lieus & Villes ou Mortuaries ont eſtre accuſtome deſtre priſe & pay.

Coſinage.

Coſinage eſt un Brief que giſt lou mon Beſayel, mon Treſayl, ou aut'Couſin, devie ſeiſie in Fee-ſimple, & un Eſtranger abata, ceſt adire, ent' en les Tres; donques jeo avera vers luy ceſt Brief, ou envers ſon Heire, ou ſon Alienee, ou envers quecunq; que aveign̄ apres a les dits Terres. Mes ſi mon Ayel devie ſeiſiè, & un Eſtranger abate; donques jeo avera un Brief de *Ayel*. Mes ſi mon Pere, Mere, Frere, Soer, Uncle, ou Aunt, devie ſeiſie, & un Eſtranger abata; donques jeo avera un Aſſiſe de *Mortdanceſter*.

Cottage.

Cottage (*Cottagium*) eſt un petite Meaſon pur le habitation des povers homes, ſans aſc̄ Terre a ceo apt̄einant, c̄ot mention eſt fait en le priment Stat. fait en 4 *E.* 1. Et le inhabitant en tiel meaſon eſt appelle un *Cottager*. Mes per un Stat. fait en 31 le Roigne *Eliz. cap.* 7. nul home poit edifier tiel Cottage pur habitation, ſinon que il fait giſer a ceo quat' acres de Terre de Franktenement; except en Cities & Market-Boroughs, ou deins un mille del Mere, ou pur le habitation des Laborers en Mines, Sailers, Foreſters, Paſtors, &c.

Cottage.

A Cottage is a little Houſe for habitation of poor Men, without any Land belonging to it, whereof mention is made in the firſt Statute made in 4 E. 1. And the Inhabitant of ſuch a Houſe is called a Cottager. But by a Statute made in the thirty firſt year of Queen Eliz. cap. 7. no man may build ſuch a Cottage for Habitation, unleſs he lay unto it four Acres of Freehold-land; except in Market-Towns or Cities, or within a Mile of the Sea, or for Habitation of Labourers in Mines, Sailors, Foreſters, Shepherds, &c.

Coucher.

Coucher eſt un Factor que remain en aſc̄ lieu ou Pais pur cheviſance, *Ann.* 37 *E.* 3. *cap.* 16. Il eſt auxy uſe pur le common Livre en que aſcum̄ Corporat' entraſt lour particular Faits pur un perpetual regiſter de eux.

Coucher.

A Coucher is a Factor who continues in ſome Place or Country for Traffick, Ann. 37 E. 3. cap. 16. It is alſo uſed for the general Book into which any Corporation enters their particular Acts for a perpetual remembrance of them.

Covenable.

Covenable eſt un parol *Francois* que ſignifie *convenient* ou *ſuteable*, come *Covenably endowed*, *An.* 4 *Hen.* 8. *cap.* 12. Ceo eſt antiquement eſcri *convenable*, come en le Stat. 27 *Ed.* 3. *Stat.* 2. *cap.* 17.

Covenable.

A Covenable is a French Word ſignifying Convenient or ſuteable; as Covenably endowed, Anno 4 Hen. 8. cap. 12. It is anciently written Convenable, as the Stat. 27 Ed. 3. Stat. 2. cap. 17.

Covenant.

Covenant eſt un Agreemt fait per Fait en eſcript, & enſele perenter deux perſons, lou cheſc' de eux eſt tenus al auter de performer

Covenant.

A Covenant is an Agreement made by Deed in writing, and ſealed between two perſons, where each of them is bound to the other to perform certain

ertain Covenants for his part; nd if the one performs not his Covenant, the other shall have hereupon a Writ of Covenant.

And Covenants are either in Law, or in Fact, Co. lib. 4. fol. 80. or Covenant expressed, nd Covenant in Law, Cok. lib. 5. fol. 17. A Covenant in Law is that which the Law intends o be done, though it be not expressed in words: As if a man demise any thing to another or a certain Term, the Law intends a Covenant of the part of the Lessor, that the Lessee shall hold all his term against all lawful incumbrances. Covenant in Fact is that which is expressly agreed between the parties.

Also there is a Covenant meerly personal. Fitz. Nat. Brev. fol. 145. seems to say, that Covenant real is, whereby a man ties himself to pass a thing real, as Lands or Tenements; as a Covenant to levy a Fine of Land: Covenant meerly personal is, where a man Covenants with another by Deed, to build a House, or to serve him. See the Old Book of Entries, the word Covenant.

But note well, That no Writ of Covenant shall be maintainable without especialty, except in the City of London, or in some other place privileged by custom and use.

Covenants pur son part; & si lun de eux ne tient passe son Covenant, le auter avera ent un Brief de Covenant.

Et *Covenants* sont ou en Ley, ou en Fait, *Cok. lib. 4. fol.* 80. ou Covenant expresse & Covenant en Ley, *Cok. lib. 6 fol.* 17. Un *Covenant en Ley* est ceo q̃ le Ley entend destr̃ fait, nient contristeant q̃ en parols ne soit expresse: Cõe si home demise un chose al aut' p̃ un certain t'me le Ley entende un Covenant del p̃t le Lessor, que le Lessee tiendra tout son term̃ encoun e tout loyal encumbrances. *Covenant en Fait* est ceo que expressement est agree p̃enter les parties.

Auxy la est Covenãt meerment parsonal, & Covenant real. *Fit. Nat. Brev. fol.* 145. semble adire, que *Covenant real* est, pur q̃ home luy oblige de passer un chose real, come Terres ou Tenements; sicome Covenant de levier un Fine de Tr̃e. *Covenant meerment personal* est, ou home Covenant ove auter per fait, de edifier un meason, ou de server luy. Veies le veil Livre de *Entries*, verbo *Covenant*

Mes nota bien, Que nul Br̃e de Covenant serra mainteinable sans especialty, sinon en le City de *Londres*, ou en ascun auter tiel lieu privilege per custome & use.

Coverture.

Coverture is, when a man and a woman are married together; now whatsoever is done concerning the wife in the time of the continuance of this Mar-

Coverture.

Coverture est, quãt un home & un feme sont espouse ensẽble; ore ascũ chose que est fait concernount la feme en temp. de le continuance de

c.st

ceſt Marriage, eſt dit deſtre fait durant le *Coverture*, & le feme eſpouſe eſt appel un *Feme Covert*, & p ceo diſable d̄ contracter ove aſcun, al p̄judice de ſa meſme ou ſa baron, ſans ſon conſent ou privitie, al meins ſans ſon allowance ou confirmation. Veies *Brook* ceſt Title. Et *Bracton* dit, Que touts choſes q̄ ſont la femes, ſont le barons, nec ad la feme poyar de ſa meſme, mes le baron, *lib.* 2. *cap.* 15. & que le baron eſt le teſte ſa feme. *lib.* 4. *cap.* 24. & arere, que en aſcun Choſe legal el ne poit reſponder ſans ſa baron, *lib.* 5. *tract.* 1. *cap.* 3. Et ſi le baron alien le Terre ſa feme durant le Coverture, el ne poit ceo dedire ē le vie ſa baron

Per le Common ley la Fem̄ del Roy de Engleterre eſt perſon exempt del Roy, & poet prender Terres ou Tenements del done del Roy, & poet ſuer ou eſtre ſue ſans le Roy, *Co. Litt.* 133. *a.*

riage, is ſaid to be done during the Coverture, and the wife is called a Woman covert, and thereby is diſabled to contract with any one, to the prejudice of her ſelf or her husband, without his conſent and privity, at the leaſt without his allowance and confirmation. See Brook this Title. And Bract. ſaith, That all things that are the wife's, are the husband's, neither hath the wife power of her ſelf, but the husband, lib. 2. cap. 15. and the husband is the head of his wife, lib. 4 cap. 24. and again, that in any Law-matter ſhe cannot anſwer without her huſband, lib 5. tract 1. cap . And if the husband alien his wife's Land during the Coverture, ſhe cannot gain-ſay it during his life.

By the Common Law the wife of the King of England is a perſon exempt from the King, and may take Lands and Tenements of the gift of the King, and may ſue or be ſued without the King, Co. Litt. 133. a.

Covin.

Covin eſt un ſecret Aſſent determine en le les cœurs de deux ou pluſors, al prejudice dun auter : Come ſi Tenant p̄ terme de vie, ou Tenant en le taile, ſecretm̄t conſpire ove un auter, que lauter recovera vers le Tenant pur vie le Terre que il tient, &c. en prejudice de celuy en le Reverſon.

Ou ſi Executor ou Adminiſtrator p̄mit Judgm̄ts d̄ſtre enter envers luy p fraud & plead eux al obligation, ou ſi aſcun fraudulent aſſignm̄t ou conveiance ſoit fait, la party grieve poet plead Covin & re-

Covin.

Covin is a ſecret Aſſent determined in the hearts of two or more, to the prejudice of another : As if a Tenant for term of life, or Tenant in tail, will ſecretly conſpire with another, that the other ſhall recover againſt the Tenant for life the Land which he holds, &c. in prejudice of him in the Reverſion.

Or if an Executor or Adminiſtrator permit Judgments to be entred againſt him by fraud, and plead them to a bond, or any fraudulent Aſſignment or conveyance be made, the party griebed may plead covin and relieve

leive himself. Vid. Stat. 2 R. 2. cap. 3. 3 H 7. cap. 4. 13 El. cap. 5. and 27 El. 4.

Count.

COunt is as much as the original Declaration in a Proces, though more used in real than personal Actions; as Declaration is more applied to personal than real, F. N. B. 16. a. 60. d. n 71. a. 191. e. 217. A Libel with the Civilians comprehends both. Yet Count and Declaration are confounded sometimes; as Count in Debt, Kitch. 281. Count or Declaration in Appeal, Pl. Cor. 78. Count in Trespass, Brit. cap. 26. Count in Action of Trespass upon the Case for a Slander, Kitch. 252. Countours have been taken for such as a man retains to speak for him in any Court, as Advocates; and Pledeurs to be another sort, as Attorneys for one that is present himself, but suffers another to speak for him. Countours, according to M. Horne, are such Sergeants skilful in the Law, which serve the Common People to defend their Actions in Judicature for their fee.

Countee.

COuntee (so called a comitando, because they accompany the King) was the most eminent and High Dignity from the Conquest, until the 11 year of King Ed. 3. when the Black Prince was created Duke of Cornwall; and those who of antient time were created Countees, were of Blood-Royal: and at this day the King in all his appellations stiles them by

leive luy meſme. *See the Stat. 2 R. 2. cap 3. 3 H. 7. cap. 4. 13 Eliz. cap. 5. & 27 El. cap. 4.*

Count.

COunt eſt tant come l'original Declaratione ē un Proces, uncore pluis toſt uſe ē real que perſonal Actions; come Declaratiō eſt pluis apply al perſonal que real, *F. N. B. 16. a 60. d n. 71. a. 191. e. 217. a.* Libel ove les Civilians comprehend abideux. Et uncore *Count* & Declaration ſont aſc̄ foits confound; cōe *Count en Det, Kit* 281. *Count* ou Declaration *en Appeal, Pl. Cor. 78. Count en Treſpas, Brit. cap. 26. Count* ē Action de Trēs ſur le Caſe p̄ Slander, *Kitch.* 252. *Conteurs* ad eſte priſe pur tiels queux home receive de pler p̄ luy en aſc̄ Court, come Advocates; & *Pledeurs* deſtr̄ un auter ſort, come Attornies pur un que eſt preſent en p̄ſon, mes ſouffre un auter a dire pur luy. *Countours* p̄ M. *Horne*, ſont tiels Sergāts erudite ē les Leyes, que ſervont les lay gents de defender lour Actions en Judicature pur lour fee.

Countee.

COuntee dicitur a comitando quia comitantur Regem; & fuit le pluis eminēt & ſupreme dignitie del Conqueſt, jeſque le unziſme an del Roy *Ed* 3. ou le Black Prince fuit create Duke de *Cornwal*: & ceux q̄ de anciēt temps fuerōt cre-te Count', fueront de Sanke Royal; & jeſq; a ceſt jour le Roy en touts ſes appellatiōs ſtile eux

p̄ le

p le noſme *Chariſſimi conſanguinei noſtri.* Et p̄ ceux cauſes le Ley dōe a eux haut & grād Privileges; & pur ceo lour corps ne ſerra arreſt p̄ Det, Trēs, &c. p̄ ceo q̄ le Ley entend q̄ ils aſſiſtont le Roy ove lour counſel pur le weale publique & gardont le Royalm en ſafetie per lour proweſſe & valour. Auxy pur meſme le cauſe ils ne ſerr̄ miſe en Juries, coment que ceo ſoit pur le ſervice del Pais. Et ſi iſſue ſoit priſe, ſi le Plaintiff ou Defendant ſoit un *Countee* ou nemy, ceo ne ſerra trie per Pais, mes per le Brief Roy.

Auxy le Defendant navera jour de grace vers le Seigniour del Parliament, pur ceo que il eſt intend de attender le publique. Et de ancient temps le *Countee* fuiſt *Præfectus, ſeu Præpoſitus Comitatus*, & ad le charge & cuſtodie del Countie: & ore le Viſcount ad tout l'Authoritie pur adminiſtration & execution de Juſtice que le *Countee* avoit, *Cok. lib.* 9. *fol.* 49. & pur ceo eſt appelle *Viſcount.*

the name of our moſt dear Coſin. And for theſe cauſes the Law gives them high and great Privileges; and therefore their body ſhall not be arreſted for Debt, Treſpaſs, &c. becauſe the Law intends that they aſſiſt the King with their Counſel for the publick good, and keep the Realm by their proweſs and valour. Alſo for the ſame cauſe they ſhall not be put in Juries, although it be for the ſervice of the Country. And if iſſue be taken, whether the Plaintiff or Defendant be a Countee or not, this ſhall not be tried by the Countrey, but by the King's Writ.

Alſo the Defendant ſhall not have a day of favour againſt a Lord of the Parliament, becauſe he is intended to attend the publick. And of antient time the Countee was Præfectus, or Præpoſitus Comitatus, and had the charge and cuſtody of the County: and now the Sheriff hath all the Authority for Adminiſtration and Execution of Juſtice which the Countee had, Cok. lib. 9. fol. 49. and therefore he is called Viſcount.

Countenance.

C*Ountenance* ſemble deſtre uſe pur Credance ou Eſteeme. *Veil N. B.* 111 in ceux parols; Le Attaint ſerra grantus as povers homes que p̄ndront lour ſerement que ils ont riens de que ils poyent faire lour Fine, ouſter lour *Countenance.* En meſme le manner eſt uſe 1 *Ed.* 3. *Stat.* 2 *cap.* 4. en ceux parols; Viſconts chargeront le Dettors le Roy

Countenance.

COuntenance ſeems to be uſed for Credit or Eſtimation. Old. Nat. Brev. 111. in theſe words; The Attaint ſhall be granted to poor men that will take their Oaths they have not any thing whereof to make their Fine, ſaving their Countenance. In the ſame manner it is uſed, 1 Edw. 3. Stat. 2. cap. 4. in theſe words; Sheriffs ſhall charge the King's Debtors with as much as they may

ay levy with their Oaths, without abating the Debtor's countenance.

Countermand.

Countermand is, where a thing formerly executed is afterward by some act or ceremony made void by the Party that hath first done it. As if a Man hath made his last Will, whereby he devises his Land to J. S. and afterwards he infeoffs another of the same Land, there this Feoffment is a Countermand to the Will, and the Will, as to the disposition of the Land, is void. If a Woman seised of Land in Fee makes a Will in writing, and devises that if A. of B. survives her, then she devises and bequeaths to him and his Heirs her Land, and afterward she entermarries with the said A. of B. there, by taking him to Husband and coverture at the time of her Death, the Will is countermanded.

But if a Baroness widow retains two Chaplains according to the Statute, and takes one of the Nobility to Husband, and afterwards the Husband dies, the Retainer of those two Chaplains remains, and they, without new Retainer, may take two Benefices, for their Retainer was not determined nor countermanded by such Marriage.

If a Woman makes a Lease at will and afterwards takes an Husband, this Marriage is no Countermand to the Lease, without express matter done by the Husband after the Marriage to determine the Will.

ove tant q̃ ils poyent levier ove lour Serements, sans abatemẽt del *Countenance* des Dettors.

Countermand.

Countermand est, quãt chose execute per devant est apres per ascun act ou ceremony frustrate per le Party que ad ceo primes fait. Come si home ad fait son darreine Volunt, per que il devise son Terre al *J. S.* & puis il enfeoffe auter hõe d̃ mesme le Terre, ore ceo Feoffment est un Countermand al Volunt, & le Volunt quant al disposition del Terre est voide. Si feme seisie de Terre en Fee fist sa Volunt en escript, & p̃ ceo devisa q̃ si *A.* de *B.* luy survivera, donque el devise & bequeath a luy & a ses Heirs sa Terre, & apres el entermarrie ove le dit *A.* de *B.* ore, per prisel de luy a Baron & coverture al temps de sa mort, le Volunt est countermand.

Mes si un Baroness widow retaine deux Chapleins sojonque le Statute, & prist un d Nobility a Baron, & puis le Baron morust, le Reteiner de ceux deux Chapleins remaine, & ils sans novel Reteiner poient prender deux Benefices; car lour Reteiner ne fuit determine ne countermand per tiel Marriage.

Si feme fist Lease a volunt, & puis prist Baron, ceo Marriage nest Countermand al Lease, sans expresse matter fait per le Baron apres le Marriage a determiner le Volunt.

ſunt. Auxy ſi Leaſe ſoit fait al feme a volunt, & el priſt Baron, le Leaſe continue nient obſtant le Marriage, & il neſt Countermad al ceo.

Alſo if a Leaſe be made at will to a Woman, and ſhe takes a Husband, the Leaſe continues notwithſtanding the Marriage and is no Countermand thereunto.

Counterplee.

Counterplee eſt, lou un port un Action, & le Tenant ē ſon Reſpons & Plee vouch ou appel aſcun home p̄ garrant ſon Title, ou prayer ayd de auter que ad melior Eſtate come de ceſtuy en la Reverſion; ou ſi un eſtrange al Action viēt & priera deſtre receive de ſaver ſon Eſtate; ſi le Demandant reply a ceo, & monſtre cauſe que il ne doit tiel home voucher, ou d̄ tiel home aid aver, ou que tiel home ne doit eſte receive; ceſt Plee eſt appel un *Counterplee al Voucher*, Ayde, ou Reſceit, come le caſe eſt. Mes quant le Voucher ſoit allow, & le Vouchee vient eins & demande quel choſe le Tenant ad de luy voucher, & le Tenant monſtre ſon Cauſe, & le Vouchee plede aſcun matter d̄ avoid le Garrantie; ceo eſt appel *Counterplee del Garrantie.*

Counterplea.

Counterplea is, when one brings an Action, and the Tenant in his Anſwer and Plea vouches or calls any Man to warrant his Title, or prays in aid of another who hath better Eſtate than he as of him that is in the Reverſion; or if one that is a ſtranger to the Action come and pray to be received to ſave his Eſtate; if the Demandant reply thereto, and ſhew cauſe that he ought not to vouch ſuch a one, or of ſuch a one to have aid, or that ſuch a one ought not to be received; this Plea is called a Counterplea to the Voucher, Aid or Reſceit, as the caſe is. But when the Voucher is allowed and the Vouchee comes in and demands what cauſe the Tenant hath, and the Tenant ſhews his cauſe, and the Vouchee pleads any thing to avoid the Warranty; that is called a Counterplea of the Warranty.

Countie.

Countie eſt tant en ſignificat' come Shire, ambideux continent un Circuit ou Portiō del Royalm̄, en q̄ tout le Terre eſt apporc', p̄ le mieux governance d̄ ceo, & pluis facile adminiſtrat' d̄ Juſtico; iſſint q̄ la neſt aſcun part del Royalm q̄ ne pas giſt deins aſc̄ County: & chieſc̄ County eſt governe p̄

County.

County ſignifies as much as Shire, both containing a Compaſs or Portion of the Realm, into which all its Land is divided, for the better government thereof, and more eaſie adminiſtring of Juſtice; ſo that there is not any part of the Kingdom that lies not within ſome County: and every County is governed by

yearly Officer, whom we call Sheriff, who, among other duties belonging to his Office, puts in execution all the Commandments and Judgments of the King's Courts, that are to be executed within the compais. Forteſcue cap. 24. Of theſe Counties there are four more remarkable than others, called County Palatines, as Lancaſter, Cheſter, Durham, and Ely, Ann. 5 El. cap. 23. There was alſo the County Palatine of Hexam, Ann. 33 Hen. 8. cap. 10. but thereof quære.

A County Palatine is of ſo high a nature, that whereas all Pleas touching the life or maim of a man, called Pleas of the Crown, are uſually held and ſped in the King's Name, and cannot be paſſed in the name of any other, the chief Governours of theſe, by ſpecial Charter from the King, heretofore did ſend out all Writs in their own name, and did all things touching Juſtice as abſolutely as the Prince himſelf in other Counties, only acknowledging him to be their Superiour and Sovereign. But by the Statute of 27 H. 8. cap. 25. this power was much abridged, which ſee, and Cromp. Juriſdict. 137.

Beſides theſe two ſorts of Counties, there are alſo Counties corporate, as appears by the Statute of 3 Ed. 4. 5. and theſe are certain Cities or ancient Boroughs of the Land, upon whom the Princes of this Nation have beſtowed ſuch extraordinary Liberties, as London, York, Cheſter, Glouceſter, and many others.

un annual Officer, le quel nous appellomus *Vic'* que ent' aut's duties appteinant a ſon Office, mit en execut' touts les Mandats & Judgments des Courts le Roy, queux ſont deſtr' execute deins le circuit. *Fort. cap.* 2. De ceux Counties la ſont 4. pluis obſerve que autres, appel *County Palatines*; come *Lancaſt. Cheſter, Durham, & Ely, Ann.* 5 *El. cap.* 23. La fuit auxy le Countie Palat' de *Hexam, Ann.* 33 Hen. 8. *cap.* 10. mes de ceo *quære.*

Countie Palat' eſt Juriſdiction de cy alt nature, que ou touts Plees touchant le vie ou maihē dun hōe, appel Plees del Corone, ſont uſualment tenus & execute en le noſme le Roy, & ne poit eſtre fait en le noſme daſcun aut', le primer Gardian de ceux, per eſpecial Charter del Roy en temps par devant mitteront hors touts Briefs en lour noſme demeſne, & fairont touts choſes touchant Juſtice cy abſolutement come le Roy meſme en aut's Counties, ſolement conuſant luy deſtre lour Superiour & Soveraigne. Mes per le Statute de 27 *H.* 8. *cap* 25 ceſt poyar fuit mult abridge, le quel veies, & *Cro. Juriſdict.* 137.

Ouſter ceux deux ſorts de Counties, la ſont aux' *Counties corporate*, come appiert p le Statute de 3 *Ed.* 4. 5. & ceux ſont aſcun Cities ou viel Burghs dl Tere, ſur q̄ux les Roys d ceſt Gent ont don tiel Franchiſes extraordinaries; come *Lond', Eborum, Cheſter, Glouceſter* & pluſors autres.

Countie en un auter ſignication eſt uſe pur le *Conutie Court* que le Viſcount tient cheſcun moys deins ſon libertie, ou per luy meſme ou p ſon Deputie. Veies p̄ ceo *Dalton's Officium Vicecom'*. De ceux Counties ou Shires la ſont account deſtre 37 en *Angleterre*, ouſter les 12 en *Gales*.

County in another ſignification is uſed for the County Court which the Sheriff keeps every Month within his charge, either by himſelf or his Deputy. See for this Dalton's Office of Sheriffs. Of theſe Counties or Shires there are reckoned to be thirty ſeven in England, beſides the twelve in Wales.

Court.

COurt eſt diverſment priſe: aſcun foits p̄ le Meaſon ou le Roy eſt preſent ove ſon ordinary attendants; & auxy le lieu ou Juſtice eſt judicialment miniſtre, de queux vous poies trover 32 ſeveral ſorts en *Cromp. Juriſd.* bien deſcribe. Et de ceux le greinder ſort ſont Courts de Record; aſcuns ne ſont, & p̄ c̄ eſteem Baſe Courts en reſpect des auters.

Ouſter ceux auxy la ſont *Courts Chriſtein*, iſſint appel p̄ c̄ q̄ ils treat choſes eſpecialment ap ꝑteiñt al Chriſtianiſme, & tiels que ſans boñ ſcience en Theologie ne poiēt eſtre pas bien decide; eſteant tenus cydevant p Archieveſq̄s & Eveſq̄s, cōe dl Pape de *Rome*; mes aps ſon ejectmēt ils tiendront eux pl' Authoritie le Roy *Virtute Magiſtratus ſui*, cōe l' Admiral d *Angleterre* tient ſon Court: ſur q̄ ils proceed que ils mittont hors lour Citations en lour noſmes demeſne, & nemey en le noſme le Roy, cōe les Juſt. de Courts le Roy font; & p̄ c̄ cōe l' Appeal de ceux Courts giſera al *Rome*, jamm̄s per le Stat. de 25 *H* 8. *cap.* 19. il giſt al Roy en ſon Chancery.

Court.

COurt is diverſly taken ſometimes for the Houſe where the King remains with his ordinary retinue; and alſo the place where Juſtice is judicially miniſtred, of which you may find 32 ſeveral ſorts in Cromp. Juriſd. well deſcribed. And of thoſe the greater part are Courts of Record; ſome are not, and therefore accounted Baſe Courts in compariſon of the others.

Beſides theſe, there are alſo Courts Chriſtian, ſo called, becauſe they handle matters chiefly appertaining to Chriſtianity, and ſuch as without good knowledge in Divinity cannot be well judged of; being heretofore held by Archbiſhops and Biſhops, as from the Pope of Rome; but after his ejection they held them by the King's Authority, by virtue of his Magiſtracy, as the Admiral of England holds his Court whence it proceeds, that they ſend out their Precepts in their own names, and not in the King's, as the Juſtices of the King's Courts do; and therefore as the Appeal from the Courts did lie to Rome, now by the Statute of 25 Hen. cap. 19. it lies to the King in his Chancery.

Cou

Court-Baron.

COurt-Baron is a Court that every Lord of a Mannor hath within his own Precincts. Of this Court and Court-Leet Kitch. hath writ a learned Book. This Court, as it seems in Cok. lib. 4 fol. 26. is twofold: And therefore if a man having a Mannor in a Town grants the inheritance of all the Copyholds therein to another, this Grantee may hold a Court for the customary Tenants, and accept of Surrenders to the use of others, and make Admittances and Grants. The other Court is of Free-holders, which is properly called the Court-Baron, wherein the Suitors, that is, the Free-holders, are Judges; whereas of the other Court the Lord or his Steward is Judge.

Coutheutlaugh.

COutheutlaugh is he that wittingly receives a man outlawed, and cherishes or hides him; in which case he was in ancient time subject to the same punishment as the man outlawed was, Br. lib. 3. Tr. 2. cap. 13 nu. 2. It is compounded of Couch, i. known, and Utlaw, outlawed, as we now call them.

Cranage.

CRanage is a liberty to use a Crane for drawing up Wares or Goods out of any Ship, Boat or Barge, at any Creek or Wharf, and to make profit of it. It is used also for the Money that is taken for that work.

Court-Baron.

COurt-Baron est un Court q̄ chescun Sr̄ dun Mañor ad deins son Precincts demsn̄. De c̄ Court & Court-Leet *Kitch.* ad escrie un Livre pleiñ de bon erudition Cest Court. come semble ē *Cok. l.* 4. *f* 26. est double: Et p̄ c̄ si home ayant un Mannor en un Vil' granta le inheritance des touts les Copyholds a ceo apptenants a un aut' ceo Grantee poit tener un Court p̄ le customary Tenants, & accepter Surrenders al use d̄ auters, & fair Admittances & Grants. L' auter Court est del Frank-tenants, q̄ est propermt appel le *Court-Baron*, en q̄ les Frank-tenants, sont Judges; ou de aut' Court le Sr̄ ou son Seneschal est Judge.

Coutheutlaugh.

COutheutlaugh est celuy que voluntarimt receive hōe utlage, & relieva ou cacha luy; en quel case il fuit en veil temps liable al m̄ le punishment que le home utlage m̄ fuit. *Br. lib.* 3. *Tr.* 2. *cap* 13. *n.* 2. Il est composé d *Couch, i.* conus & *Utlaw*, utlage, comes nous james eux appellomus.

Cranage.

CRanage est un liberty p̄ user un Crane p̄ le extrair des Wares ou biens hors dun Niefe, Bargeau, ou Wharf, al ascun Creek ou Wharf, de fair benefit de c̄. Et use auxy p̄ les Deniers q̄ux sont prises p̄ ceo labor.

Creanſor.

CReanſor venuſt del *Francois Cariance*, id eſt, Perſuaſio; & ſignifie ceſtuy que conſiſt auter ove aſcun Det, ſoit c̄ en deniers, wares, ou auters choſes. Ceo parol eſt uſe en le *Veil N. B.* en le Bre de *Audita querela*, *fol.* 66. *a.*

Creditor.

CReanſor or Creditor comes of the French Caryance, that is, Confidence or perſwaſion; and it ſignifies him that truſts another with any Debt, be it money, wares, or other things. This word is uſed in the Old N. B. in the Writ of Audita querela. f. 66. a.

Creek.

CReek eſt c̄ part dun Havr̄ de quel aſc̄ choſe eſt diſcharge ou disburden hors del Mere. Et ceſt parol eſt uſe en le 5. an del Roigne *El. cap.* 5. *&* 4 *H.* 4. *cap.* 20, *&c.*

Creek.

CReek is that part of a Haven from whence any thing is landed or disburthened out of the Sea. And this word is uſed in the Statute 5 El. cap. 5. and 4 Hen. 4. cap. 20, &c.

Croft.

CRoft eſt un petite Clauſe ou Pightle adjoynant al un Meaſe, uſe ou pur paſtur̄ ou arable, come ceo pleiſt le owner. Et ſemble deſtre derive del veux parol *Creaft*, id eſt, Handicraft, p̄ ceo que ceux terres ſont p̄ le plus part manures ove le principal craft del owner.

Croft.

CRoft is a little Cloſe or Pightle adjoyning to a Houſe, uſed either for Paſture or arable, as the owner pleaſes. And it ſeems to be derived from the old word Creaft, that is Handicraft, becauſe the Lands are for the moſt part manured with the beſt skill of the owner.

Cucking-ſtool.

CUcking-ſtool eſt un Engin̄ invent pur le puniſhment des Scolds & inquiet femes; & fuit appel en ancient temps un *Tumbrel* come appiert per *Lamb.* en ſon *Eirenarch. lib* 1. *cap.* 12. Et per les caſes & Judgments en Eire, en le temps *Ed.* 3. Pillory & Tumbrel ſont appendant al un Leet, ſans queux droit ne poit eſtr̄ fait as parties deins le view. *Keloway fol.* 140. *b.*

Cucking-ſtool.

CUcking-ſtool is an Engine invented for the puniſhment of Scolds and unquiet Women; and it was called in old time a Tumbrel, as appears by Lamb. in his Eirenarch. lib. 1. cap. 12. And by the Caſes and Judgments in Eyre in the time of Ed. 3. a Pillory and a Tumbrel are appendant to a Leet, without which right cannot be adminiſtred to the parties within the view. Keloway, fol. 140. b.

And in the Stat. 51 H.3. c.6. it is called Trebuchett.

Cui ante divortium.

CUi ante divortium is a Writ that lies when Alienation is made by the husband of the wifes Land, and after Divorce is had between them; then the woman shall have this Writ, and the Writ shall say, Whom she before the Divorce might not gain-say.

Cui in vita.

CUi in vita is a Writ that lies where a man is seised of Lands in Fee-simple, fee-tail, or for Life, in right of his wife, and aliens the same, and dies; then she shall have this Writ to recover the Land.

And note, That in this Writ her Title must be shewed, whether it be of the purchase, or inheritance of the woman. But if the husband alien the right of his wife, and the husband and the wife die, the wifes Heir may have a Writ of Sur cui in vita.

Cuinage.

CUinage. See Cuynage.

Cuntey

CUntey cuntey is a kind of Trial, as appears by Bract. in these words; The matter in this case shall be ended by *Cuntey, Cuntey*, as between Coheirs, lib. 4. Tr. 3. cap. 18. And again in the same place; In a Writ of right the busines shall be determined by *Cuntey Cuntey*. And thirdly, lib. 4. Tr. 4. cap. 2. The cause shall be tried

Et en le Stat. 51 H.3. c.6. ceo est appel *Trebuchet*.

Cui ante divortium.

C*Ui ante divortium* est un Bre que gist quant Alienation est fait p le baron del Terre la feme, & puis Divorce est ew inter eux; donques la feme avera ceſt Brief, & le Brief dirra, *Cui ipsa ante Divortium contradicere non potuit.*

Cui in vita.

C*ui in vita* est un Bre que gist lou home est seisie de Terres en Fee simple, Fee-taile, ou pur vie, en droit sa feme, & aliena mesme le Terre & devie; donques el avera ceſt Brief pur recoverer la Terre.

Et nota, Que en ceſt Brief son Title doit estre monstre, si soit de purchase, ou inheritance la feme. Mes si le baron alien le droit sa feme, & le baron & la feme deviont, le Heire la feme avera un Brief de *Sur cui in vita.*

Cuinage.

C*Uinage.* Veies *Cuynage.*

Cuntey.

C*Untey cuntey* est un kind de Trial, come appiert per *Bract.* en ceux parols; *Negotium in hoc casu terminabitur per* Cuntey cuntey, *sicut inter Cohæredes, lib. 4. Tr. 3. cap. 18.* Et arear en m̄ le lieu; *In Brevi de recto negotium terminabitur per* Cuntey cuntey. Et tiercement, *lib. 4. Tr. 4. cap. 2. Terminabitur negotium*

negotium per Breve de recto, ubi nec Duellum, nec magna Aſſiſa, ſed per Cuntey cuntey *omnino* ; le quel ſemble deſtr̃ tant come per le ordinary Jury.

by Writ of right, neither by Battel, nor by the great Aſſiſe, but by *Cuntey cuntey* only ; which ſeems to be as much as by ordinary Jury.

Curfew.

CUrfew vient des deux parols *Francois*, *Courir*, cover, & *Feu*, Fire. Eſt uſe ove nous p̃ un Peale veſpre, p q̃ le Conqueror cõmand cheſc' home de prender garnie p̃ le coverture de ſon Feu, & le extinguiſhment de ſon Lumen : iſſint que en pluſors lieus a ceſt jour un Campañ eſt uſualment tinta prochein temps du Lect, il eſt dit de tinter *Curfew*.

Curfew.

CUrfew comes of two French words, Couvrir, to cover, and Feu, Fire. It is uſed with us for an evening Peal, by which the Conqueror willed every man to take warning for the taking up his Fire, and putting out his Light. So that in many places at this day, when a Bell is cuſtomably rung toward Bed-time, it is ſaid to ring Curfew.

Curia aviſare vult.

CUria *aviſare vult* eſt un Deliberation que le Court entend prendre ſur aſc̃ difficile point d un Cauſe, devant Judgment ſoit reſolve. Pur quel veies le *Novel Livre de Entries*, *verbo Curia*, *&c.*

Curia aviſare vult.

CUria aviſare vult is a Deliberation which the Court purpoſes to take upon any difficult point of a Cauſe, before Judgment be reſolved on. For which ſee the New Book of Entries, verbo Curia, *&c.*

Curia claudenda.

EST un brief ou action a compeller auter a fair un fence ou mure que le def. doit fair ent' ſon terr' & la terr̃ del Plaintiff.

Curia claudenda.

IS a Writ or Action to compel another to make a Fence or Wall, which the Defendant ought to make between his Land and the Plaintiffs.

Currieur ou *Courroieur.*

COurroieur eſt un que dreſſe & liquor *Cuir*, & eſt iſſint appel del *Francois* parol *Cuir*, *id eſt*, *Corium* Ceſt parol Currier eſt frequent en touts les Statutes faits pur le bon feaſance de *Cuir*, come en 1 *Jac. cap.* 22, *&c.*

Currier.

CUrrier is one that dreſſes & liquors Leather, and is ſo called of the French word Cuir, id eſt, Corium, Leather. The word is uſed in all the Statutes made for the good making of Leather, as in 1 Jac. cap. 22, *&c.*

Curſiter.

Curſiter is an Officer or Clerk belonging to the Chancery, who makes out Original Writs. 14 & 15 Hen. 8. cap. 8. They are called Clerks of Courſe in the Oath of Clerks of the Chancery, appointed Anno 18 Ed. 3. Stat. 5. There are of them twenty four, to each of whom is allotted certain Shires, into which they make out ſuch Original Writs as are by the ſubject required, and are a Corporation among themſelves.

Curteſie of England.

Curteſie of England is, where a man takes a wife ſeiſed in Fee-ſimple, or Fee-tail general, or ſeiſed as Heir of the tail ſpecial, and hath iſſue by her, Male or Female; be the iſſue dead or alive, if the wife die, the husband ſhall hold the Land during his life, by the Law of England. And he is called Tenant by the Curteſie of England, becauſe this is not uſed in any other Realm but only in England. If the Infant was never alive, then the Husband ſhall not be Tenant by the Curteſie; but if the Iſſue be born alive, it ſuffices.

If the woman be delivered of a Monſter, which hath not the ſhape of mankind, this is not Iſſue in Law: But though the iſſue hath ſome deformity or defect in the hand or foot, and yet hath human ſhape, it ſuffices to make the husband Tenant by the Curteſie. And in ſome ca-

Curſiter.

Curſiter eſt un Officer ou Clerk apperteynant al Chancerie, que fait hors Original Briefs, 14 & 15 *H.* 8. *cap.* 8. Sont appel Clerks del *Courſe* en le Serement des Clerks del Chancerie, appoint *Ann.* 18 *Ed.* 3. *Stat.* 5. La ſont de ceux vint quat', que ont allotta a cheſcun de eux aſcun Counties, en le quel ils font hors tiel Original Breves que ſont per le ſubject require, & ſont un Corporation int' eux meſmes.

Curteſie de Angleterre.

Curteſie de Angleterre eſt, lou home prent feme ſeiſie en Fee-ſimple, ou Fee tail general, on ſeiſie come Heir de la tail ſpecial, & ad iſſue per la Feme, Male ou Female; ſoit iſſue mort ou en vie, ſi la feme devie, le baron tiendra le Tre durant ſa vie, per la Ley de *Angleterre*. Et eſt appel *Tenant per le Curteſie de Angleterre*, p̄ c̄ que eſt en nul auter Royalme forſque tantſolement en *Angleterre*. Si le Enfant ne unques ſoit vife, donque la baron ne ſerra Tenant per le Curteſie; mes ſi le iſſue ſoit nee en vie, ceo ſuffiſt.

Si la feme ſoit deliver d un Monſter, que nad le ſhape de homes, ceo neſt pas Iſſue en Ley; Mes coment le iſſue ad aſcun deformitie ou defect en le maine ou pee, & uncore ad humanu ſhape, ceo ſuffiſt de faire le baron Tenant per le Curteſie. Et en aſcun cae

ſes le Temps del neſtre eſt material, & en aſcun nemy. Pur ceo, ſi home priſt feme Enheretrix, que eſt grandment enſeint per luy, & le iſſue eſt rippe hors de ſa vēter en vie; ore il ne ſerra Tenant per le Curteſie, car ceo doit commencer per le iſſue, & conſummate per le more la feme, & le Eſtate de Tenant per le Curteſie covient a toller le immediate diſcent. Mes ſi baron ad iſſue per ſa feme, & puis Trē diſcend al feme, ſoit le iſſue donque mort ou en vie, il ſerra Tenant per le Curteſie; car le temps del neſtre del iſſue neſt material, ſi ceo ſoit en la vie ſa feme.

Si Terres ſont dones al feme & al Heires Males de ſa corps, & el priſt baron, & ad iſſue file, & moruſt; le baron ne ſerra Tenant pur le Curteſie, car le iſſue ne poit per aſc̄ poſſibilitie enherit' meſme les Tenements. Auxy come un feme alien, eſpouſant un ſubject de Roy, ne ſerra endowe; en meſme le manner un home alien ne ſerra Tenant per le Curteſie.

Auxy ſi home ſeiſie de Terre en droit la feme ſoit attaint de Felony, ayant iſſue, & donque purchaſe le Pardon le Roy, & puis ſon feme moruſt; la il ne ſerra Tenant put le Curteſie: Mes ſil ad iſſue per ſon feme nee puis le Pardon, en tiel caſe il ſerra.

ſes the time of the birth is material, and in ſome not. Therefore if a man marries a woman Inheretrix, who is great with child by him, and the iſſue is ript forth of her belly alive; there he ſhall not be Tenant by the Curteſie, for this ought to begin by the iſſue, and conſummate by the death of the woman, and the Eſtate of the Tenant by the Curteſie ought to avoid the immediate deſcent. But if the husband hath iſſue by his wife and after Land deſcends to the woman, be the iſſue then dead or alive, he ſhall be Tenant by the Curteſie; for the time of the birth of the iſſue is not material, if it be in the life of the woman.

If Lands be given to a woman and the heirs males of her body, and ſhe takes an husband, and hath iſſue a daughter, and dies; the husband ſhall not be Tenant by the Curteſie, for the iſſue cannot by any poſſibility inherit the ſame Tenements. Alſo as a woman alien, marrying one of the King's ſubjects, ſhall not be endowed, in the ſame manner a man alien ſhall not be Tenant by the Curteſie.

Alſo if a man ſeiſed of Land in right of his wife be attainted of Felony, having iſſue, and then purchaſes the King's Pardon, and after his wife dies; there he ſhall not be Tenant by the Curteſie: But if he hath iſſue by his wife born after the Pardon, in ſuch caſe he ſhall.

Curtilage.

CUrtilage is a Garden, Yard, Field, or piece of void Ground lying near and belonging to the Meſſuage, Weſtm. part 2. ſect. 26. And ſo it is uſed 35 H. 8. c. 4. 39 Eliz. 2. Coke l. 6. f. 64.

Cuſtomary Tenants.

CUſtomary Tenants are ſuch Tenants as hold by the Cuſtom of the Mannor, as their ſpecial Evidence.

Cuſtom.

CUſtom may be deſined to be a Law or Right not written, which being eſtabliſhed by long uſe, and conſent of our Anceſtors, hath been and daily is put in practice. Cuſtom is either general or particular. General is that which is current through England, whereof you may read in Doctor and Student, l. 1. c. 7. many very worthy to be known. Particular is that which belongs to this or that County, as Gavelkind to Kent; or to this or that Lordſhip, City, or Town.

Cuſtom differs from Preſcription, becauſe Cuſtom is common to many, and Preſcription, by the opinion of ſome, is particular to this or that Man. Again, Preſcription may be for a ſhorter time than Cuſtom, ſcil. for five Years, or leſs: As if a Fine be duly levied of Lands or Tenements, and be not gainſaid within five Years, this is a Bar to all Claim for ever.

Curtilage.

C*Urtilage* eſt un Garden, Yard, Camp, ou piece de vacant Terre giſant prochein & apperteinat al Meſſuage, *Weſtm. part* 2. *ſect.* 26. Et iſſint eſt uſe 35 *H.* 8. *c.* 4. 37 *Eliz.* 2. *Coke l.* 6. *f.* 64.

Cuſtomary Tenants.

C*Uſtomary Tenants* ſont tiel Tenants que tienõt p la *Cuſtome* del Mañor, cõe lour ſpecial Evidence.

Cuſtome.

C*Uſtome* poit eſte define deẽ un Ley ou Droit nient eſcrie, q̃ eſteant eſtable p veil uſe, & le conſent de noſtre Anceſtors, ad eſſe & jouremẽt ẽ miſe en ure. Cuſtome eſt ou general ou particular. *General* eſt ceo q̃ eſt approve p tout *Angleterre*, de queux vous poyes lier en *Doctor & Student*, *l.* 1. *c.* 7. pluſors fort digne deſtre conus. *Particular* eſt ceo q̃ appertient a ceo ou tiel Countie, cõe *Gavelkind* al *Kent*; ou a ceo ou tiel Sñrie, Citie, ou Ville.

Cuſtome differt del Preſcription, p̃ ceo q̃ Cuſtome eſt common a pluſors, & Preſcription, p l'opinion de aſcun, eſt particular a cel ou tiel home. Auxy Preſcription poit eſtre p̃ un pluis curt temps q̃ Cuſtome, *ſcil.* p̃ cinque ans ou meins. Cõe ſi Fine ſoit duement levie d Terres ou Tenements, & ne ſoit dedit deins cinque Ans, ceo eſt Barre a cheſcun Claime a touts jours.

Si

Si home omitta ſon continual Claime pur un An & Jour, donque le Tenant en Poſſeſſion preſcribe un Privilege envers l'Entrie le Demandant & ſon Heire, *Fitzh. Nat. Brev.* 79. Hors d noſtre Statutes vous poyes aver pluis grand diverſitie: iſſint que ceo ſemble deſtre un voyer dit, Que Preſcription eſt un Exception foundue ſur tant temps ale & paſſe que le Ley limita pur le purſuance de aſcun Actiō. Un example poit eſte priſe hors del Statute d 1 *H.* 8. *c.* 4. q̄ enact, Que en touts Actions populars Informatiō ſerra fait deins trois Ans puis l'Offence commit, auterment deſtre d nul vigour.

If a Man omits his continual Claim for a Year and a Day, then the Tenant in Poſſeſſion preſcribes an Immunity againſt the Entry of the Demandant and his Heir, Fitzh. Nat Brev. 79 But of our Statutes you may have greater diverſity: ſo that this ſeems to be a true ſaying, That Preſcription is an Exception founded upon ſo long time gon and paſt as the Law limits for the purſuit of any Action. An example may be taken out of the Statute of 1 H. 8. c. 4 which enacts, That in all Actions popular Information ſhall be made within three Years after the Offence committed, otherwiſe to be of no force.

Cuſtome eſt auxy uſe pur le Tribute ou Toll que Merchants payont al Roy de porter eins & hors Merchandizes, 14 *E.* 3. *Stat.* 1. *cap.* 21. En quel ſignification eſt appel *Cuſtuma* en Latine, *Regiſt. Orig* 129. *a.* 138. *a.*

Custom is alſo uſed for the Tribute or Toll that Merchants pay to the King, to carry in and out Merchandizes, 14 E. 3. Stat. 1. cap. 21. In which ſignification it is called Cuſtuma in Latin, Regiſt. Orig 129. a. 138. a.

Et denierm̄t, p̄ tiels Services que Tenants de un Mannor doiont a lour Sñr. Veil Livre de *Entries*, *verb' Cuſtome.* Veies *Conſuetud. & Servitiis.*

And laſtly, for ſuch Services as Tenants of a Mannor owe unto their Lord. Old Book of Entties, word Cuſtom. See Conſuetud. & Servitiis.

Cuſtos Brevium.

Cuſtos Brevium.

C*Uſtos Brevium* eſt le primer Clerk apperteinant al Court d Cōmon Pleas, ou Bank le Roy, l'office d quel eſt p̄ receive & tener touts les Briefs & mitter eux ſur Files, cheſcun Return per luy meſme, & al fine de cheſcun Terme d receiver del Prothonotaries touts les

CUſtos Brevium is the chief Clerk belonging to the Court of Common Pleas or King's Bench, whoſe office is to receive and keep all the Writs, and to put them upon Files, every Return by it ſelf, and at the end of every Term to receive of the Prothonotaries all the Records

Niſi prius, called the Poſtea. The Cuſtos Brevium alſo makes entry of Writs of Covenant, and the Concord upon every Fine, and makes out Exemplifications and Copies of all the Writs and Records in his Office, and of all the Fines levied. The parts of the Fines, after they are ingroſſed, are divided between the Cuſtos Brevium and the Chirographer; whereof the Chirographer keeps always the Writ of Covenant, and the Note; the Cuſtos Brevium keeps the Concord, and the Foot of the Fine, upon which Foot the Chirographer cauſes the Proclamations to be indorſed when they are all proclaimed.

Records de *Niſi prius*, appel le *Poſtea*. Le *Cuſtos Brevium* auxy fait entrie des Briefs d Covenant, & le Concord ſur chesc̄ Fine, & fait hors Exemplifications & Tranſcripts d touts les Briefs & Records en ſon Office, & d touts les Fines levie. Les Fines, puis q̄ ils ſont engroſſe, les parts d ceo ſont divide pent' le *Cuſtos Brevium* & le Chirographer: d q̄ le Chirographer reteigna touts foits le Brief d Covenant & le Note; le *Cuſtos Brevium*, reteina le Concord, & Pee del Fine, ſur quel Pee le Chirographer cauſa le Proclamations deſtre indorſe quant ils touts ſont proclaim.

Cuſtos Rotulorum.

CUſtos Rotulorum is he that hath the keeping of the Rolls or Records of the Seſſions of the Peace, and, as ſome think, of the Commiſſion of the Peace it ſelf, Lam. l. 4. c. 3. p. 373. He is always Juſtice of the Peace and Quorum in the County where he hath his Office; and by his Office he is rather termed an Officer or Miniſter, than a Judge, becauſe the Commiſſion of the Peace lays this ſpecial Charge by expreſs words upon him, That he ſhould cauſe the Writs, Precepts, Proceſs and Indictments aforeſaid to come and be before him and his fellow Juſtices at the Days and Places aforeſaid. See 37 H. 8. c. 1. and 3 & 4 Ed. 6. c. 1. 2 Inſt. 674.

Cuſtos Rotulorum.

C*Uſtos Rotulorum* eſt celuy que ad le cuſtody des Rolls ou Records des Seſſions del Peace, &, come aſcuns ſemble, del Cōmiſſion del Peace meſme, *Lam. l. 4. c. 3. p. 373.* Il eſt touts foits Juſtice del Peace & *Quorum* en le Countie ou il ad ſon Office; & p̄ ſon Office il eſt pluiſtoſt appel un Officer ou Miniſter, q̄ un Judge, p̄ ceo q̄ le Commiſſion del Peace impoſe c̄ eſpecial Charge per expreſſe parols ſur luy, *Quod ad dies & loca predicta Brevia, Præcepta, Proceſſus & Indictamenta prædicta coram te & dictis Sociis tuis venire facias.* Veies 37 *H.* 8. *c.* 1. & 3 *&* 4 *Ed.* 6. *c.* 1. 2 *Inſt.* 674.

Cuſtos

Custos des Spiritualties.

CUstos *des Spiritualties* est celuy q̄ exercisa le Spiritual & Ecclesiastical Jurisdiction de ascun Dioceſſe durant le Vacancie del See; l'appointment de quel per le Ley Canon apperteine al Dean & Chapiter, *Ne Sede vacante aliquid innovetur.* Mes en *Angleterre* l'Archieveſque del Province ad ceo per Preſcription. Uncore pluſors Deanes & Chapiters (come dit M. *Gwyn* en le Preface a ſon Lectures) demande ceo per veils Charter des Roys de ceſt Terre.

Gardian of the Spiritualties.

GArdian of the Spiritualties is he that exerciſes the Spiritual and Eccleſiaſtical Juriſdiction of any Dioceſs during the Vacancy of the See; the appointment of whom by the Canon Law pertains to the Dean and Chapter, leſt in the Vacancy of the See ſome Innovation ſhould be introduced. But in England the Archbiſhop of the Province hath it by Preſcription. Howbeit many Deans and Chapters (as M. Gwyn ſaith in his Preface to his Readings) challenge this by ancient Charters from the King's of this Land.

Cuynage.

CUynage eſt un parol uſe en le Statute 11 *H.* 7. *cap.* 4. pur le framer de Eſtaine en tiel forme cōe ſolont de ceo framer, p̄ le pluis apt portage de ceo en auters lieus.

Cuynage.

CUynage is a word uſed in the Statute of 11 H. 7. cap. 4. for the making up of Tin into that faſhion as it is uſed to be framed, for the better carriage of it into other parts.

Damage

D.

Damage.

DAmage is part of that which the Jurors are to inquire of, in giving their Verdict for the Complaynant or Demandant in an Action real or personal. For after the Verdict given upon the principal matter, they are also asked their Consciences touching Costs, which are the Expences of the Suit, and Damages, which contain the Prejudice which the Plaintiff or Demandant hath suffered by means of the wrong done him by the Defendant or Tenant.

And forasmuch as Justice and Reason require, that when the Life, Credit, Lands, Goods, corruption of Blood, and all that a Man hath to forfeit in this World, are put in peril without just cause, but only upon the malicious Accusation of another by Appeal, that the Appellee should have satisfaction therefore against his false Accuser, and if he hath not sufficient, then against him or them that abetted or procured him to pursue the Appeal: Therefore the Common Law gave Damages to the Defendant in an Appeal, and assigned him a means for the recovery thereof, when he was acquitted of the Felony, as it is 48 E. 3. 22. But forasmuch as the Damages against the Procurors and Abettors were

D.

Dammage.

D*Ammage* est un part de ceo que les Jurors sont de enquire, donant lour Verdict, pur le Plaintiff ou Demandant en un Action real ou personal. Car puis le Verdict done sur le principal cause, ils sont auxy demaund lour Consciences touchant Costs, queux sont les Expences del Suit, & *Dammages*, que contein le parde que le Plaintiff ou Demandant ad susteine per cause del tort a luy fait per le Defendant ou Tenant.

Et entant que Justice & Reason voilont, que quant le Vie, le Credit, les Terres, les Biens, le corruptiõ d son Sanke, & tout ceo q̃ home ad a forfeit' en cest monde, sont mise ẽ peril sans voyer cause, mes soleñt sur le malicious Accusatiõ dun auter p̃ Appeal, q̃ l'Appellee averoit satisfaction p̃ ceo envers son faux Accuser, & sil nad sufficient, donque vers luy ou ceux que luy abbetta ou procura de pursuer l'Appeale: Pur ceo le Common Ley donast Dammages al Defendant en un Appeal, & assigne a luy un meane p̃ le recoverie de eux, quant il fuist acquite del Felony, cõe est 48 *E.* 3. 22. Mes entant q̃ les Dam̃ages vers le Procurors & Abbettors fueront

destre

deſtre recover per Original Brief, ceſtaſcavoir, per Brief de Conſpiracie, & nient auterment, que ne fuiſt cy curt remedie come le Heinous degree del tort require, le Statute de *Weſtminſter* le 2. *Ann.* 13 *Ed.* 1. *cap.* 12. pur le pluis ſubite redreſſe fuit ordaine.

to be recovered by Original Writ, that is, by Writ of Conſpiracy, and not otherwiſe, which was not ſo ſpeedy remedy as the Heinous quality of the wrong required; the Statute of Weſtm. the 2 An. 13 Ed. 1. cap. 12. for the more expeditious redreſs thereof was ordained.

Mes ſi le Defendant barre le Plaintiffe de ſon Appeale, donque il ne poit recover Dammages per le dit Stat. envers le Plaintiff, forſque le Barre ſoit tiel que acquite le Defend' del Felonie. Et ſi le Defendant plead que le Appellant eſt ou Baſtard, ou ad un Eigne frere, ou tiels Pleas en barre, & per eux barre le Plaintiff; uncore il ne recovera Dammages vers luy, pur ceo que le Defendant poit eſtre endite arere de meſme le Felonie, & attaint, nient obſtant aſcun de ceux Pleas; car per eux le innocencie del Defendant neſt pas trie, & pur ceo il navera Dammage. 27 *Aſſ pla* 25 Meſme le ley eſt, ſi le Defendant barre le Appellant per Demurrer en Ley: Et iſſint eſt, ſi en Appeal del mort du' home le Defendant plead al iſſue, & eſt trove p verdict que il occide le hõe en ſõ defence demeſne, ou per Miſadventure; en ceux caſes il ne recovera Dammages Mes ſi le Defendant en Appeale ad le Releaſe del Appellant, ou le Pardon le Roy & voile eux waiver, & pled' Nient culpable, & eſt acquite; en ceſt caſe il recovera Dammages.

But if the Defendant barrs the Plaintiff of his Appeal then he cannot recover Damages by the ſaid Statute againſt the Plaintiff, except the Barr be ſuch as acquits the Defendant of the Felony. And if the Defendant pleads that the Appellant is a Baſtard, or hath an elder Brother, or like Pleas en Barr, and thereby Barr the Plaintiff; yet he ſhall not recover Damages againſt him, becauſe the Defendant may be indicted again of the ſame Felony, and attainted, notwithſtanding any of thoſe Pleas; for by them the innocency of the Defendant is not tried, and therefore he ſhall not have Damages. 27 Aſſiſ. pl. 25. The ſame Law is, if the Defendant barrs the Appellant by Demurrer in Law: And ſo it is, if in Appeal of the death of a man the Defendant pleads to the iſſue, and it is found by Verdict that he killed the man in his own defence, or by Chance-medley; in theſe caſes he ſhall not recover Damages. But if the Defendant in Appeal hath the Releaſe of the Appellant, or the King's Pardon, and will wave them, and plead Not guilty, and is acquitted; in this caſe he ſhall recover Dammages.

This

This word Damage is taken in the Law in two several ſignifications; the one properly and generally, the other ſtrictly and relatively. Properly, as it is in caſes where Damages are founded upon the Statute of 2 Hen. 4. c. 1 and 8 Hen. 6. c. 9 where Coſts are included within this word Damages; for Damnum in its proper and general ſignification is ſaid a demendo, when a thing by Diminution is made worſe; and in this ſenſe Coſts of Suit are Damages to the Plaintiff, for by them his Subſtance is diminiſhed. But when the Plaintiff declares the wrong done to him to the Damage of ſuch a ſum, this is to be taken relatively for the wrong which is paſſed before the Writ brought, and are aſſeſſed by reaſon of the Treſpaſs aforeſaid, and cannot extend to Coſts of Suit which are future, and of another nature. See Co. l. 10. fol. 116, 117.

Damage feſant.

DAmage feſant is, when a ſtranger's Beaſts are in another Man's Ground, without licenſe of the Tenant of the Ground, and there do feed, tread and otherwiſe ſpoil the Corn, Graſs, Woods, and ſuch like: In which caſe the Tenant, whom they damage, may therefore take, diſtrain and impound them, as well in the Night as in the Day. But in other caſes, as for Rent and Services, and ſuch like, none may diſtrain in the Night.

Ceſt parol *Damna* eſt priſe en la Ley en deux ſeveral ſignifications; l'un properment & generalment, l'auter relative & ſtricte. Properment, come eſt en caſes ou Dammages ſont foundue ſur le Statute de 2 *H.* 4 *c.* 1. & 8 *H.* 6 *c.* 9. ou Coſts ſont enclude deins ceſt parol Dammages; car *Damnum* en ſon proper & general ſignification *dicitur a demendo, cum Diminutione res deterior fit*: & en ceſt ſenſe Coſts de Suit ſont Dammages al Plaintiff, car per eux res ſua diminuit' Mes quant le Plaintiff monſtre le tort fait a luy a Dammage de tiel ſumme, ceo eſt deſtre priſe relative p̄ le tort q̄ eſt paſſe devant le Brief port, & ont aſſeſſe *occaſione Tranſgreſſionis prædict'* & ne poit extender al Coſts del Suit q̄ ſont future, & d̄ un auter nature. Veies *Co. l.* 10. *fol.* 116, 117.

Dammage feſant.

D*Ammage feſant* eſt, quant les Beaſts de un eſtrang' ſont en auters Terres, ſans licence del Tenant d̄ la Terre, & la mangeront, treade ou autrem̄t ſpoilont les Blees, Graſſe, Bois, ou tiels ſemblables: En quel caſe le Tenāt que ils iſſint damage poit p̄ ceo prender, diſtraine & impound eux, cybien ē le nuict cōe ē le jour. Mes en auters caſes, cōe p̄ Rent & Services, & tiels ſembles, nul poit diſtrainer ē le nuict.

Danegeld.

D*Anegeld* eſt quiet' eſſe de quodam Tributo quod quidam *Dani* levaverunt in *Anglia*: Auxy le Tribute meſme.

Ceo commence primerment en temps le Roy *Ethelđred*, quel eſteant en grand diſtreſs p le continual Invaſion de les *Danes*, p purchaſer Paix, fuit compelle đ charge ſon Pais & People ove grand Payments; car il primerm̃t dõe eux al cinque ſeveral paim̃ts 113000 l. & puis grant al eux 48000 l. annualm̃t.

Danegeld.

DAnegeld is, to be quit of a certain Tribute which the Danes did levy in England: Alſo the Tribute it ſelf.

This began firſt in the time of King Etheldred, who being ſore diſtreſſed by the continual Invaſion of the Danes, to purchaſe Peace, was compelled to charge his Country and People with great Payments; for he firſt gave them at five ſeveral payments 113000 l. and afterwards granted them 48000 l. yearly.

Darreine Preſentment.

D*Arreine Preſentment*; Aſſiſe de ceo giſt ou jeo ou mon Anceſtors ad preſent un Clerk al un Eſgliſe, & puis, l'Egliſe eſteant voide p le mort del dit Clerke, ou auterment, un eſtranger preſent ſon Clerke al meſme Eſgliſe en diſturbance de moy. Et coment ceo eſt auterment uſe, veies *Bract. lib.* 5. *tract.* 2. *Regiſt. Orig. fol.* 30. Si Baron & feme preſent al Advowſon en droit la feme, que eſt appendant al Manor la feme, & puis le Baron alien un Acre, parcel de Manor, ove le Advowſon en fee, a un eſtranger, & devie, & puis le eſtranger preſenta, & puis alien le Acre a un auter en fee, ſavant le Advowſon a luy meſme, & puis l'Eſgliſe voida; ore la feme preſentera, & s'el ſoit diſturbe, el avera *Aſſiſe de*

Darreine Preſentment.

DArreine Preſentment; an Aſſiſe thereof lies where I or mine Anceſtors have preſented a Clerk to a Church, and after, the Church being void by the death of the ſaid Clerk, or otherwiſe, a ſtranger preſents his Clerk to the ſame Church in diſturbance of me. And how it is otherwiſe uſed, ſee Bract. lib. 5. tract. 2 Regiſt. Orig. fol. 30. If a Husband and Wife preſent to an Advowſon in right of the Wife, which is appendant to the Mannor of the Wife, and after the Husband aliens an Acre, parcel of the Mannor, with the Advowſon in fee, to a ſtranger, and dies, and after the ſtranger preſents, and then aliens the Acre to another in fee, ſaving the Advowſon to himſelf, and after the Church is void; there the Wife ſhall preſent, and if ſhe be diſturbed, ſhe ſhall have an Aſſiſe of

Darreine

Darreine Preſentment ; p̄ ceo que le Advowſon fuit ſever del Acre. Mes ſi le Advowſon fuit appendant al Acre, donque covient al feme a recover le Acre avant que el preſentera al Advowſon. *Fitz. Nat. Brev.* 32.

Darreine Preſentment ; becauſe the Advowſon was ſevered from the Acre. But if the Advowſon was appendant to the Acre, then the Wife ought to recover the Acre before ſhe preſents to the Advowſon. Fitz. Nat. Brev. 32.

Darreine Continuance.

EST quant Defendant ou Tenant pendant le ſuit plead novel matter fait *poſt ultimam continuationem placiti.* Veies *Thelwel.* 361, & 2 Cro. 261.

Darreine Continuance.

IS when the Defendant or Tenant (pendente placito) pleads new matter done after the laſt continuance of the Plea. See Thelwel. 361. & 2 Cro. 261.

Dean & Chapter.

D*Ean & Chapter* eſt un Corps corporate Spiritual, conſiſtant de pluſors able Perſons, come noſme-ment de Deane (q̄ eſt principal) & ſes Prebends, & ils enſemble font le Corporation. Et ſicome ceſt Corporation poyent joyntment purchaſe Terres & Tenements al uſe de lour Eſgliſe & Succeſſors ; iſſint auxy chefcun de eux ſeveralment poit purchaſe al uſe de luy & ſes Heires.

Et ſicome la ſont deux foundations d'Eſgliſes Cathedral ē *Angleterre*, le Veiel & le Novel ; (le Novel ſont ceux queux le Roy *Henry* le uiſt, ſur ſuppreſſion d Abbies, transform̄ d Abbot, ou Prior & Covent, al Deane & Chapter :) iſſint la ſont deux means del Creation de ceux Deanes : car ceux del Veiel Foundation ſont conferre a lour Dignity ſemble al Eveſques ; le Roy primerment mittant hors, ſon *Congé d'eſlire* al Chapter, le Chapter

Dean and Chapter.

DEan and Chapter is a Body corporate Spiritual, conſiſting of many able Perſons, as namely the Dean (who is chief) and his Prebends, and they together make the Corporation. And as this Corporation may jointly purchaſe Lands and Tenements to the uſe of their Church and Succeſſors ; ſo likewiſe every of them ſeverally may purchaſe to the uſe of himſelf and his Heirs.

And as there are two Foundations of Cathedral Churches in England, the Old and the New ; (the New are thoſe that King Henry the Eighth, upon ſuppreſſion of Abbeys, transformed from an Abbot, or Prior and Convent, to Dean and Chapter :) ſo there are two means of Creation of theſe Deans : for thoſe of the Old Foundation are brought to their Dignity like Biſhops ; the King firſt ſending his Congee deſlire to the Chapter ; the Chapter then chuſing, the King

donque esliant, le Roy rendat son royal Assent, & l'Evesque luy confirmant, & donāt son Mandate de luy installer. Ceux del Novel Foundation sont p̄ un voy pluis curt enstalle p̄ les Letters Patents del Roy, sans aut' Electiō ou Confirmatiō.

Ceste parol est auxy apply aux divers q̄ sont les prims de certein peculiar Esglises ou Chappels; come le Dean del Chappel del Roy, le Dean del Arches, le Dean del Chappel de S. *George* en *Windsor*, &c.

yielding his royal Assent, and the Bishop confirming, and giving his Mandate to instal him. Those of the New Foundation are by a shorter course enstalled by the King's Letters Patent, without other Election or Confirmation.

This word is also applyed to divers that are the chief of certain peculiar Churches or Chappels, as the Dean of the King's Chappel, the Dean of the Arches, the Dean of Saint George's Chappel in Windsor, &c.

Debet & solet. Vide Custom & Prescription.

Debet & solet. See Custom and Prescription.

Debet & solet sont parols use en le Veil *Natura Brevium*, *fol.* 98. Le Brief de *Secta molendini*, esteant en le *Debet & solet*, est un Brief de Droit, &c. Et arrere, *fol.* 69. Un Brief de *Quod permittat* poit estre plead en le County devāt le Viscount, & poit ēe en le *Debet & solet*, ou le *Debet* solement, come le Demandat claim. Pur q̄ nota, Que ceux Briefs que sont port ē tiel sort ont ceux parolx en eux, come formal parolx nient destre omit.

Et accordant al diversity del Case, le *Debet & solet* sōt use, ou le *Debet* tantum. Cōe si hoe p̄ Brief sue de recover asc̄ droit de que son ancestor fuist disseise p̄ le Tenant ou son ancestor; donque il use solement le parol *Debet* ē son Brief, & nest apt d̄ user *Solet*, p̄ ceo q̄ son ancestor fuist disseise, & l'Usage discontinue: mes sil sue p̄ asc̄ chose que est primerment denie a

Debet & solet are words used in the Old Natura Brevium, fol. 98. The Writ of Secta molendini, being in the Debet & solet, is a Writ of Right &c. And again, fol. 69. A Writ of Quod permittat may be pleaded in the County before the Sheriff, and may be in the Debet & solet, or the Debet only, as the Demandant claims. Wherefore note, That these Writs that are brought in such sort have these words in them, as formal words not to be omitted.

And according to the diversity of the Case, the Debet & solet are used, or the Debet only. As if a Man by Writ sues to recover any right, whereof his Ancestor was disseised by the Tenant or his Ancestor; then he uses only the word Debet in his Writ, and it is not apt to use Solet, because his Ancestor was disseised, and the Custom discontinued: but if he sues for any thing that is first denied him

him, then he hath both these words, Debet & solet; because his Ancestor before him, and himself have usually enjoyed the thing for which he sues, as Suit to the Mill, or Common of Pasture, until this present refusal of the Tenant. Regist. Orig. fol. 144. a.

Debet & Detinet.

DEbet & Detinet: Much may be said of these words that hath been spoken of the words next afore. As, if a Man be bound to another, and makes his Executor, and dies, and the Money grows due in the time of the Testator, and afterward the Executor pays it not; the Action brought against him therefore shall be in the Detinet only: and so in all Actions brought by Executors as Executors, the Writ shall be in the Detinet only, although the duty accrued in their own time, because the thing or damages recovered shall be Assets.

But if the Lessee for Years, rendring Rent, makes his Executors, and dies, and the Rent incurs after the death of the Testator; there an Action of Debt shall be brought in the Debet & Detinet: for when an Executor or Administrator takes the Profits, nothing shall be Assets but the Profits above the Rent. As, if the Land is worth ten Pound by the Year, and five Pound is reserved; in this case nothing shall be Assets but the five Pound above the Rent, and therefore the Writ shall be for the Rent in the Debet & Detinet. Coke lib 5. fol 31.

luy, donque il ad ambideux ceux parols, *Debet & solet*; p̄ ceo q̄ ses Ancestors devant luy & luy mesme ont usualm̄t ējoy le chose p̄ q̄ il suist, cōe Suit al Molin, ou Coīon de Pasture, jesque cest present refusal del Tenāt. *Regist. Orig. fol.* 144 *a.*

Debet & Detinet.

D*Ebet & Detinet*: Mult poit estre dit d ceux parols q̄ ad estre dit des parols prochein adevant. Come, si home soit oblige a un auter, & fait son Executor, & morust, & l'argēt fuist due ē le temps del Testator, & apres l Executor c̄ ne renda pas; la l'Action port vers luy p̄ c̄ serra ē le *Detinet* tantum: & issint ē touts Actions port p Executors cōe Executors, le Brief serra ē le *Detinet* tantum, com̄t q̄ le dutie acrue en lour temps demesne, p̄ c̄ que le chose ou dammages recover serra Assets.

Mes si le Lessee pur ans rendant Rent fait ses Executors, & morust, & le Rent incurre puis le mort del Testator; ore Action de debt serra port en le *Debet & Detinet*: car quant Executor ou Administrator prist les Profits, rien serra Assets mes les Profits ouster le Rent. Come, si le Terre vault dix Livers per An, & cinque Livers est reserve; en cest case rien serra Assets forsque le cinque Livers ouster le Rent, & pur ceo le Brief serra pur le Rent en le *Debet & Detinet*. *Coke lib.* 5. *fol* 31.

Decem Tales.

D*Ecem Tales.* Veies *Tales.*

Decies tantum.

D*Ecies tantum* est un Brief que gist lou un Juror en ascun Enquest prist argent de un partie ou de auter, p̄ done son Verdict' dopques il payera *dixe foits a tant'* que il ad receive: & chescun que voile suer poit aver l'Action, & avera l'un moietie, & le Roy l'auter.

Mes si le Roy en tiel case release per son Pardon a tiel Juror, uncore ceo ne serra Barre vers cestuy que port le Action q̄ recover le auter moietie, si non Action soit commence devant le Pardon le Roy: mes si le Pardon soit devant asc̄ Action, il est Barre encounter touts Gents.

Et mesme le ley est de touts Actions populars, lou un part est al Roy, l'auter al partie que suera. Auxy les *Embracers*, que procurront tiels Enquests, serront punie en mesme le manner, & ils averont Imprisonment de un An. Mes nul Justice enquirera de ceo de Office, mes solement al Suit del party.

Deciners.

D*Eciners* sont tiels queux soloyent d'aver le survey & check de Dixe friburgs, pur le maintenance del Peace le Roy; & les Limits ou Circuit de lour Jurisdiction fuit appel *Decenna. Bract. lib. 3. tract. 2.*

Decem Tales.

DEcem Tales. See Tales.

Decies tantum.

DEcies tantum is a Writ that lies where a Juror in any Inquest takes Money of the one part or other, to give his Verdict; then he shall pay ten times as much as he hath received: and every one that will sue may have this Action, and shall have the one half, and the King the other.

But if the King in such case release by his Pardon to such a Juror, yet that shall be no Bar against him that brings the Action, who shall recover the other half, if this Action be commenced before the Pardon of the King: but if the Pardon be before any Action it is a Bar against all Men.

And the same Law is of all other Actions popular, where one part is to the King, the other to the Party that sues. Also the Embracers, who procure such Inquests, shall be punished in the same manner and they shall have Imprisonment a Year. But no Justice shall inquire thereof ex Officio but only at the Suit of the Party.

Deciners.

DEciners are such as were wont to have the oversight and command of Ten free Burgs, for preserving the King's Peace; and the Limits or Circuit of their Jurisdiction was called Decenna. Bract. lib. 3. tract. 2. ca.

15. Also you may read Flet. lib. 1. cap. 27. and Regist. Orig. fol. 68. b.

These seemed to have large Authority in the Saxons time, taking knowledge of Causes within their Circuit, and redressing wrongs by way of Judgment, as you may read in the Laws of King Edward, set out by Lambert, num. 32. Also there is mention of these in Britton, cap. 12. who saith in the King's Person (as he writes his whole Book) in this manner: We will that all such as are fourteen Years of age shall make oath that they shall be sufficient and loyal unto Us, and that they will not be Felons, nor assenting to Felons, and that all be professed to be of this or that Dozein, and make or offer Surety of their Behaviour by these or those Deciners; except religious Persons, Clerks, Knights, and their eldest Sons, and Women. Yet the same Author, in his 29th Chap. near the end saith, That all at the age of twelve Years or above, are punishable for not coming to the Sheriff's Tourn, excepting Earls, Prelates, Barons, religious Persons, and Women.

The same Law is where the Deciners make presentment, that a Felon is taken for Theft, and delivered to the Sheriff. And Kitchin out of the Register, and Britton saith thus, Religious Persons, Clerks, Knights or Women, shall not be Deciners, fol. 33. Whence it may be gathered, that this word implies nothing else but such a one as by his

cap. 15. Auxy poyes lier *Flet. lib.* 1. *cap.* 27. & *Regist. Orig. fol.* 68. *b.*

Ceux semble d'aver grand Authoritie en le temps des *Saxons*, prendant conusance d Causes deins lour Circuit, & reformant torts p voy de Judgment, come poyes lier en les Leyes del Roy *Edward*, publie p *Lambert*, *num.* 32. Auxy la est mention fait de ceux en *Britton*, *b.* 12. q̄ dit en le Person le Roy (come il escria tout son Livre) en tiel manner: Nous voillomus q̄ touts tiels que sont 14 ans d'age fairont serement q̄ ils serront sufficient & Loyal a Nous, & q̄ ils ne voilent estre Larons, ne assentant a Larons, & q̄ touts soyent professe destre de ceo ou tiel *Dozaine*, & fair ou offer Bail de lour Behaviour per ceux ou cels *Deciners*; exceptant religious Persons, Clerks, Chivalers, & lour eigne Fits. & Femes. Uncore mesme le Author en son 29 *Chap.* prochein al fine dit, Que touts al age de 12 ans & desuis sont punishable p̄ nient vener al Tourn de Viscount, exceptant Countees, Prelates, Barons, religious Persons, & Femes.

Mesme le Ley est ou les *Deciners* font presentment, que un Laron est prise pur Larcenie, & deliver al Viscount. Et *Kitchin* hors del *Register*, & *Britton* issint dit, Religious persons, Clerks, Chivalers ou Femes, ne serront *Deciners*, *fol.* 33. Hors de quel poit estre collect, q̄ cest parol riens auterment implie mes tiel q̄

per ſon Serement de Loyaltie a ſon Prince eſt ſettle ẽ le Fraternitie ou Societie d'un *Dozeine*, car neſt uſual a ceſt jour de trover Suretie iſſint a faire. Et jammes un *Dozeine* ſemble de extend cy tant cõe le Leet extenda, p̃ ceo q̃ en Leets ſolem̃t ceſt Serm̃t eſt adminiſter per le Seneſchal, & priſe per tiels que ſont d'age de 12 ans & deſuis, reſident deins le compaſs del Leet ou ils ſont jurus. *Fitz. Nat. Brev.* 161. *a.* Les particulars de ceſt Serement poyes lier en *Bract. lib.* 3. *tract.* 2. *cap.* 1. *num* 1. ou il mitta eins quindixe ans pur l'age de ceux q̃ ſont jurus al Peace le Roy; mes *lib.* 3. *tract* 2. *cap.* 11. *num.* 5. il noſme douze ans. Veies *Inlaugh.*

Hors de queux premiſſes poit eſtre obſerve le diverſity perenter l'ancient & ceux de noſtre temps ẽ ceſt point d'Ley & Government, cy bien pur le age de ceux q̃ ſont deſtre jure, come auxy que *Deciner* neſt james uſe pur le primer home de un *Dozeine*, mes pur luy que eſt jure al Peace le Roy; & denierment, que jammes la ne ſont aſcun *Dozeines* forſque *Leets*; & q̃ nul home communement done auter Securitie p̃ garde le Peace le Roy mes ſon Serement demeſne, & que p̃ ceo nul reſpondera pur l'Offence d'un auter, mes cheſcun pur luy meſme.

his Oath of Loyalty to his Prince is ſettled in the Combination or Society of a Dozein, for it is not uſual at this day to find Surety ſo to do. And now a Dozeine ſeems to extend ſo far as the Leet extends, becauſe in Leets only this Oath is adminiſtred by the Steward, and taken by ſuch as are of the age of twelve Years and upward, dwelling within the Precinct of the Leet where they are ſworn. Fitz. Nat. Brev. 161. a. The particulars of this Oath you may read in Bract. lib. 3. tract. 2. cap. 1. num. 1. where he puts down fifteen Years for the age of thoſe that are ſworn to the King's Peace; but lib. 3. tract. 2. cap. 11. num 5. he names twelve Years. See Inlaugh.

From which Premiſſes may be obſerved the difference between the ancient and theſe our times, in this point of Law and Government, as well for the age of thoſe that are to be ſworn, as alſo that Deciner is not now uſed for the chief Man of a Dozein, but for him that is ſworn to the King's Peace; and laſtly that now there are not any Dozeins, but Leets; and that ordinarily no Man gives other Security for keeping the King's Peace, but his own Oath, and therefore no one ſhall anſwer for the Tranſgreſſion of another, but every one for himſelf.

Declaration

Declaration.

DEclaration is a Shewing in writing the grief and complaint of the Demandant or Plaintiff against the Tenant or Defendant, wherein he supposes to have received wrong. And this Declaration ought to be plain and certain, both because it impeaches the Defendant, and also compels him to make answer thereto. But note, that such Declaration made by the Demandant against the Tenant in an Action real is properly called a Count.

Note, That the Count or Declaration ought to contain Demonstration, Declaration, and Conclusion. And in Demonstration are contained three things, (that is) him who complains, against whom, and for what matter. And in the Declaration there ought to be comprised, how and in what manner the Action rose between the Parties, and when, and what day, year, and place, and to whom the Action shall be given. And in the Conclusion he ought to aver and proffer to prove his Suit, and shew the Damages which he hath sustained by the wrong done him.

De deoneranda pro nata portionis.

DE deoneranda, &c. is a Writ that lies where one is distrained for Rent, that ought to be paid by others proportionably with him. Fitz. Nat. Brev. fol. 234.

Declaration.

D*Eclaration* est un Monstrance en escript de le grief & complaint de le Demandãt ou Plaintiff envers le Tenant ou Defendant, en q̃ il suppose đ aver receive tort. Et cest *Declaration* doit estre plain & certain, p̃ ceo q̃ il impeach le Defendant, & auxy chose celuy a responder. Mes nota, que tiel Declaration fait per le Demandant vers le Tenant en Action real est properment appel un *Count*.

Nota, Que le Count ou *Declaration* doit conteine Demonstration, Declaration, & Conclusion. Et en *Demonstration* sont conteines troys choses, (cest adire) que se pleynte, envers que, & de quel chose. Et en le *Declaration* doit estre compris, coment & ẽ quel manner le cause del Action surdit enter les Parties, & quant, & quel jour, an, & lieu, & a que l'Action serra done. Et en *Percloſe* il doit averre & profer de prover son Suit, & monstre les Dammages queux il susteine p̃ le tort a luy fait.

De deoneranda pro rata portionis.

D*E deoneranda*, &c. est un Brief q̃ gist lou un est distrein p̃ Rent, q̃ doit estre paya p̃ auters proportionablemẽt ove luy. *Fitz. Nat. Brev. fol.* 234

Dedimus poteſtatem.

D*Edimus poteſtatem* eſt un Brief quel giſt lou un hõe ſua en le Court le Roy, ou eſt ſue, & ne puit bien traveiler, donques il avera ceſt Brief direct a aſcun Juſtice, ou auter diſcreet Perſon en le Pais, de doner a luy power p̄ admitte aſcun p̄ ſon Atturney, ou d̄ levie Fine, ou de prender ſon Confeſſion, ou ſon Reſpons, ou auter Examination, cõe le matter require.

Deed, vide 325.

Defaut.

D*Efaut* eſt un Offence en omitting ceo que doit eſtre fait; & pluis communement pris pur Non-apparence en Court a jour aſſigne. *Bract. lib. 5. tract. 3.* & *Fleta, lib. 6. cap. 14.*

Defamation.

D*Eſamation* eſt quant home parle ſcandalous parols de aſcun auter home, Court de Juſtice, Magiſtracie, ou Title d̄ Terre; p̄ quel le partie ſerra punie accordant al nature & qualitie de ſon Offence; aſcun foits per Action ſur le Caſe p̄ Slander, al Common Ley, & aut' foits en le Court Chriſtian. Come ſi hõe contrive aſcun faux Novels, & horribles & faux Meſſoinges de Prelates, Dukes, Counts, &c. donque un Action *De Scanaalis Magnatum* giſera vers luy per le Statute de 2 *R.* 2. *cap.* 5. & ceo eſteant prove, le partie offendant ſerra grievouſment punie. Mes pur parols de *Defamation* vers un private home, la le

Dedimus poteſtatem.

DEdimus poteſtatem is a Writ that lies where a Man ſues in the King's Court, or is ſued, and cannot well travel, then he ſhall have this Writ directed to ſome Juſtice, or other diſcreet Perſon in the Country, to give him power to admit ſome Man for his Attorney, or to leby a Fine, or to take his Confeſſion, or his Anſwer, or other Examination, as the matter requires.

Defalt.

DEfalt is an Offence in omitting that which we ought to do; and moſt commonly taken for Non-appearance in Court at a Day aſſigned. Bract. lib. 5. tract. 3. and Fleta, lib. 6. cap. 14.

Defamation.

DEfamation is when a Man ſpeaks ſlanderous words of any other Man, Court of Juſtice, Magiſtracy, or Title of Land: for which the Party ſhall be puniſhed according to the nature and quality of his Offence; ſometimes by Action upon the Caſe for Slander, at the Common Law, and other times in the Eccleſiaſtical Court. As if a Man contrive any falſe News, or horrible and falſe Lies of Prelates, Dukes, Earls, &c. then an Action De Scandalis Magnatum will lie againſt him by the Statute of 2 R. 2. cap. 5. and this being proved, the Party offending ſhall be grievouſly puniſhed. But for words of Defamation againſt a private Man, there the

Party

party grieved shall have his Action upon the Case for the Slander, and shall recover in Damages according to the quality of the fault; wherein the quality of the person who is so defamed is much to be considered.

But for Defamations determinable in the Spiritual Court, they ought to have three incidents: First it ought to concern matter meerly Spiritual, and determinable in the Ecclesiastical Court; as for calling him Heretick, Schismatick, Adulterer, Fornicator, &c. Secondly, that it concern matter meerly Spiritual only: for if such Defamation concern any thing determinable at the Common Law, the Ecclesiastical Judge shall not have conusance thereof: As if a Divine is to be presented to a Benefice, and one (to defeat him thereof) saith to the Patron, that he is an Heretick, or a Bastard, or that he is Excommunicated, whereby the Patron refuses to present him, and he loses his Preferment; he shall have an Action upon the Case for the Defamations, tending to such an end. Also if a woman be bound that she shall live continent, or if a Lease be made to her so long as she shall live chaste; in these cases Incontinency shall be tryed by the Common Law. Thirdly, although such Defamation be meerly and only Spiritual, yet he that is defamed cannot sue there for amends or Damages, but the Suit ought to be only for punishment of the fault, for the Souls health of him that so offends,

partie grieve avera son Action sur le Case pur le Slander, & recovera en dammages accordant al qualitie del peche; en que le qualitie del person que est issint defame est destre fort considre.

Mes pur *Defamations* determinable en le Court Christian, ils coviet de aver trois incidēts: Primmēt, coviet concern matt' meermt Spiritual, & determinable ē le Ecclesiastical Court; come p appell' luy Heretiq; Schismatiq; Advouterer, Fornicator, &c. Secundem, q il concern matt' meermt Spiritual solement: car si tiel *Defamation* concern ascun chose determinable al Common Ley, le Ecclesiastical Judge navera conusans de ceo: Come si un Divin est destre presentā a un Benefice, & un (a defeater luy de ceo) dit al Patron, que il est un Heretique, ou un Bastard, ou que il est Excommenge, per q le Patron refuse a presenter luy, & il parde son Preferment; il avera Action sur le Case pur ceux *Defamations*, tendant a tiel fine. Auxy si feme soit oblige que el vivera continēt, ou si Lease soit fait a luy *quamdiu casta vixerit*; en ceux cases Incōtinēcie serr tryc p le Comon Ley. Tiercemt, comt q tiel *Defamation* soit meerment & solement Spiritual, uncore cestuy que est defame ne poit suer la pur amends ou Dammages, mes le Suit covient estre solement pur punishment del peche, *pro salute animæ* cestuy que issint offend.

Et

Et quant al Slander de un Title al terre, ſi *A.* dit que *B.* ad droit en le Terres de *C.* per que *C.* eſt damnifie, donque il poit aver Action ſur le Caſe, p̄ le Defamatiō de ſon Title, vers *A.* Et nient obſtant que *B.* ad un colourable Title, uncore *A.* ſerra punie, entant que il ad impriſe ſur luy notice del Ley, & intromit en un matr̄ que ne luy pas concerna. Mes ſi home dit, que il meſm̄ ad droit al Terre de un auter; en ceſt caſe nul Action p̄ Defamation giſt, nient obſtant que il conuſt que ſon Title eſt faux, *Coke lib.* 4. *fol.* 18.

And as for the Slander of a Title to Land, if A. ſaith that B. hath right in the Lands of C. whereby C. is damnified, then he may have an Action upon the Caſe for the Defamation of his Title, againſt A. And although B. hath a colourable Title, yet A. ſhall be puniſhed, for aſmuch as he hath taken upon him knowledge of the Law, and medled in a matter which concerned him not. But if a Man ſaith, that he himſelf hath right to the Land of another; in this caſe no Action for Defamation lies, although he knows his Title to be falſe, Coke lib. 4. fol. 18.

Deſeiſance.

DEſeiſance vient del *Francois* parol *Deffayre* ou *Deffayr*, *i. e.* diſfaire ceo que eſt fait, & ſignify, un Condition que relate a un Fait, come a un Obligation, Recogniſance, ou Statute, que eſteant perform p̄ le Obligor ou Recogniſor, le Act eſt diſable & fait voide, ſicome ſil ne unques pas ad eſte fait. Et la eſt nul Garranty, Recogniſance, Rentcharge, Annuity, Covenant, Leaſe p̄ ans, uſe al Common Ley, ou tiels ſemblables, mes que ils poyent per un Deſeaſance, fait ove le mutual conſent de touts ceux q̄ fueront parties a le creation de eux, per Fait eſtre adnul, diſcharge, & defeat. Et le difference perent' un Proviſo ou Condition en fait & un *Deſeaſance* eſt en ceo, Que le Proviſo ou Condition eſt annexe ou enſert en le Fait ou Grant; ou

Deſeiſance.

DEeſeiſance cometh of the French word Deffayre, or Deffayr, i. e. to undo what is done, and ſignifies a Condition relating to a Deed, as an Obligation, Recogniſance, or Statute, which being performed by the Obligor, or Recogniſor, the Act is diſabled and made void, as if it had never been done. And there is no Warranty, Recogniſance, Rent-charge, Annuity, Covenant, Leaſe for years, or ſuch like, but that they may by a Deſeaſance made with the mutual conſent of all thoſe who were parties to the creation thereof by Deed be adnulled, diſcharged, and defeated. And the difference between a Proviſo or Condition in Deed and a Deſeaſance is in this, That the Proviſo or Condition is annexed or inſerted in the Deed or Grant; whereas a Deſeaſance is uſually a Deed by

it ſelf concluded and agreed on between the Parties, and having relation to another Deed.

And therefore if the Condition of an Obligation be repugnant to the Deed, the Condition is void, and the Obligation good: As if the Condition be, that he ſhall not ſue the Obligation, this is void, as well as it is of a Feoffment, upon Condition that the Feoffee ſhall not take the Profits. But a Defeaſance is a Grant that is made after the Obligation, to defeat the ſame Obligation; and this is good though it be Repugnant, and ſo not like a Condition, 21 Hen. 7. fol. 24. b. For the form and manner of Defeaſances according to the diverſity of the Caſe. See Weſt. part. 1. Symb. lib. 2. Sect. 230, 231, &c.

ou, un *Defeaſance* eſt uſualment un Fait per luy m̃ conclude & agree perent' les parties, & ayant relation a un auter Fait.

Et pur ceo ſi le Condition de un Obligation ſoit repugnant al Fait, le Condition eſt void, & Obligation bone: Come ſi le Condition ſoit, que il ne ſuera Obligation, c̃ eſt void, auxy bien come eſt de un Feoffment, ſur Condition que le Feoffee ne prendra my les Profits. Mes un *Defeaſance* eſt un Grant que eſt fait apres le Obligation, pur defeat' m̃ le Obligation; & c̃ eſt boñ, com̃t que il ſoit repugnant, & iſſint nient ſemble a un condition, 21 *H.* 7. *fol.* 24. *b.* Pur le forme & manner de Defeaſances accordant al diverſity del Caſe veies, *Weſt. part.* 1. *Symb. lib.* 2. *Sect.* 230, 231, *&c.*

Defence.

DEfence is that which the Defendant ought to make immediately after the Count or Declaration made, that, is that he defends all the Wrong, Force and Damages, where and when he ought; and then to proceed farther to his Plea, or to impart.

And note, That by defending the Force and Wrong he doth excuſe himſelf of the Wrong againſt him ſurmiſed, and makes himſelf party to the Plea; and by defending the Damage, he affirms the Plaintiff able to be anſwered unto.

Defence.

D*Eſence* eſt ceo que le Defendant doit faīr immediament apres le Count ou Declaration fait, ceſt adire, que il defenda tout le Tort, Force & Dammage, lou & quant il devera; & donques de proceed ouſter a ſon Plee, ou de imparler.

Et nota; que entant que il defend Tort & Force, il ſe excuſe del Tort vers luy ſurmiſe, & fait ſe party al Plee; & per tant que il defend les Dammages, il affirme le Plaintiff able deſtre reſpondue.

Et

Et pur le reſidue del *Defence*, il accept le power del Court de oyer & determiner les Pleas de cel matter. Car ſil voil pleader al Juriſdiction il doit omitter en ſon Defence les parols (*ou & quant il devera*) & ſil voil' monſtre aſcun diſabilitie en le Plaintiff, & demand Judgment ſi le partie ſerra reſpondue; donques il doit omitter le Defence del Dammage.

And for the reſidue of the Defence, he accepts the power of the Court to hear and determine their Pleas of this matter. For if he will plead to the Juriſdiction, he ought to omit in his Defence theſe words, (ou & quant il devera:) and if he will ſhew any diſability in the Plaintiff, and demand Judgment if the Party ſhall be anſwered unto; then he ought to omit the Defence of the Damage.

Defendant.

DEfendant eſt celuy que eſt ſue en Action perſonel que eſt appel Tenant en un Action real.

Defendant.

DEfendant is he that is ſued in Action perſonal, who is called Tenant in an Action real.

Defendemus.

DEfendemus eſt un uſual parol en un Feoffment ou Donation, & ad ceſt force, q̄ il lia le Donor & ſes Heires a defender le Donee, ſi aſcun hōe endeavor de impoſer aſcun Servitude ſur le choſe done, auter que eſt contein en le Donation. *Bract. lib.* 2. *cap.* 16. *nu.* 10. Veies auxy *Warrantizabimus.*

Defendemus.

DEfendemus is an ordinary word in a Feoffment or Donation, and hath this force, that it binds the Donor and his Heirs to defend the Donee, if any man go about to lay any Servitude upon the thing given, other than is contained in the Donation, Bracton. lib. 2. cap. 16. num. 10. See alſo Warrantizabimus.

Defenſer Fidei

DEfendeur *de la foy* eſt un peculiar Title don a Roy de *Angleterre* per le Pape, come *Catholicus* a Roy de *Eſpaigne*, & *Chriſtianiſſimus* a Roy de *France*. Il fuit primerment don per *Leo* x. a Roy H. 8. per eſcrivā vers *Mart. Luther*, en part del Egliſe de *Rome*. *Stow's Annal*, *pag.* 863.

Defender of the Faith.

DEfender of the Faith is a peculiar Title given to the King of England by the Pope, as Catholicus to the King of Spain, and Chriſtianiſſimus to the French King. It was firſt given by Leo x. to King Hen. 8. for writing againſt Martin Luther, in behalf of the Church of Rome. Stow's Annals pag, 863.

Deforceor.

DEforceor is he that overcomes and casts out with Force; who differs from a Disseisor, first in this, that a man may disseise another without Force, which act is called Simple Disseisin, Britton cap. 33. Then because a man may Deforce another that never was in possession; as if many have right to Lands as common Heirs, and one keeps them out, the Law saith, that he deforces them, though he never disseised them. Old Nat. Brev. fol 118. If Tenant in tail makes a Feoffment in fee by which the Feoffee is in, and afterward the Tenant in tail dies, and his issue sues a Writ of Formedon against the Feoffee; the Writ shall say, and also the Count, &c. that the Feoffee wrongfully deforced him, &c. though he did not disseise him, because he entred in the life of the Tenant in tail, and the Heir had no present right. Lit. fol. 138. And a Deforceor differs from an Intrudor, because a Deforceor keeps out the right Heir, as aforesaid; and a man is made an Intrudor by a wrongful Entry only in Lands or Tenements void of a Possessor, Bract. l. 4. c. 1.

And because Force and Forcible entry into Lands is so opposite to the Peace and Justice of the Realm, and a dishonour of the King and his Crown, and discredit of the Law, that any person by Birth and Oath obliged to the Obedience of the King and his Laws, should presume of his own authority by Force and strong hand to resist them

Deforsour.

Deforsour est celuy que prevail & ject hors ove Force; que differt dun Disseisor, primerment en c, que hom poit disseise un aut' sas Force, quel act est appel *Simple Disseisin, Brit. cap* 33. Donq pur ceo que hom poit *deforce* un auter que ne unques fuit en possession; com si plusors ont droit al Terres come common Heirs, & un tient eux hors, le Ley dit, q̄ il eux deforce, nient obstant que il ne eux disseisa pas. *Viel N B. fol.* 118. Si Tenant en taile fait Feoffm̄t en fee, p que le Feoffee est eins, & puis le Tenant en taile morust, & son issue suist Bre de *Forme on* envers le Feoffee; le Bre dirr, & auxy le Count, &c. que le Feoffee a tout luy deforce, &c. com̄t q̄ il ne luy disseisa, pur ceo que il ent' en le vie le Tenant en tail, & le Heire ad nul present droit. *Litt fol.* 138. Et un *Deforsor* differt de un Intrudor, p ceo q̄ un Deforsor tient hors le droit Heir, com̄ avandit: & home est fait un Intrudor p son tortious Entrie solement en tres ou Tenements voide de un Possessor, *Bract. lib.* 4. *cap.* 1.

Et pur ceo que Force & Forcible entrie en Terres est cy opposite al Peace & Justice del Royalm̄, & un dishonour del Roy & son Corone, & le scandal de Ley, que aſcun person per nestre & serement oblige al obedience del Roy & ses Leyes, presumera de son authoritie per Force & fort maiā de resister eux ambideux,

per

per violent Intruſion enl le Poſſeſſion de un auter devant le Ley ad decide ſon Title en ceo ; pur ceo divers Statutes ont eſte faits p̄ le reſtraint & reformation de ceux Abuſes ; come, ent' auters, le Stat. de 5 *R.* 2. *cap.* 7. ou le Roy defend aſcun Entrie en Terres ou Tenements ; mes en caſe ou Entrie eſt done per le Ley, & donque nemy ove fort maiñ, ou ove multitude de gents, mes ſolement en un peaceable manner. Veies plus de ceo in *Poul. de pac. Reg. f.* 34, 35, *&c.*

both, by violent Intruſion into the Poſſeſſion of another before the Law hath decided his Title therein ; therefore divers Statutes have been made for the reſtraint and reformation of theſe Abuſes ; as, among others, the Statute of 5 R. 2. cap. 7. where the King defends any Entry into Lands or Tenements, but in caſe where Entry is given by the Law, and then not with ſtrong hand, or with a multitude of people, but only in a peaceable manner. See more of this in Poulton de pace Reg. fol. 34, 35, &c.

Degrading.

D*Egrading.* Veies *Diſgrading.*

Degrading.

DEgrading. See Digrading.

Delegates.

SOnt Commiſſioners appoint per Letters Pat' a determiner Appeal ſur choſes teſtamentary ou matrimonial, en que ſentence fuit rendue. Veies *Co.* 4 *Inſt. fol.* 339 8 *El. cap.* 5.

Delegates.

ARe Commiſſioners appointed by Letters Patents to determine Appeals upon things teſtamentary or matrimonial, in which ſentence was given. See 4 Inſt. fol. 339. 8 Eliz. cap. 5.

Demaines.

D*Emaines* ou *Demeſnes*, generalment a parler, ſont touts les parts de aſcun Mañ quel ne ſont en mains del Freeholders, coñt ſoyent occupie per Tenants p̄ Copie de Court Rol', Leſſees pur ans ou pur vie, cybien coñ Teñts a volunt. Et le reaſon que Copihold eſt account Demeſnes eſt, p̄ ceo q̄ ils que ſont Teñts a ceo ſont adjudge en Ley daver nul auter Eſtate forſque al volunt del Sñr, iſſint que il eſt jammes repute deſtre en un manner en les mains

Demaines.

DEmaines or Demeſnes, generally ſpeaking, are all the parts of any Manor which are not in the hands of Freeholders, though they be held by Copy-holders, Leſſees for Years or for Life, as well as Tenants at Will. And the reaſon why Copyhold is accounted Demeſnes is, becauſe they who are Tenants to it are adjudged in Law to have no other Eſtate but at the will of the Lord, ſo that it is ſtill reputed to be in a manner in the Lord's hands; Yet in Common Speech that is

is ordinarily called Demeſnes which is neither free nor copy. And this word Demeſne is ſometimes uſed in a more ſpecial ſignification, and is oppoſite to Frank-fee; as thoſe Lands which were in the poſſeſſion of Edward the Confeſſor, are called Antient demeſne, and all others are called Frank-fee, Kitch. fol. 98. and the Tenants which hold any of thoſe Lands are called Tenants in ancient demeſn, the other Tenants in Frank-fee. And no common perſon hath any Demeſns in the ſimple acceptation of the word, becauſe there is no Land but depends mediately or immediately of the Crown, that is, of ſome Honor or other belonging to the Crown, and not granted in fee to any inferiour perſon; and therefore when a Man in pleading will ſignifie his Land to be his own, he ſaith, That he is or was ſeiſed thereof in his Demeſne as of Fee, Litt. fol. 3. whereby it appears, that though his Land be to him and his Heirs for ever, yet it is not true Demeſne, but depending upon a ſuperiour Lord, and holding by Service, or Rent in lieu of Service, or by Service and Rent together. Kitch. 81.

Demaines, according to the Common Speech, are only underſtood the Lords chief Manor-place, which he and his Anceſtors have time out of mind kept in their own hands, with all buildings and houſes, meadows, paſtures, woods, arable lands, and ſuch like therewith occupied.

le Sñr: uncore en comñ place il eſt uſualmt appel *Demeſnes* que neſt ou frye ou copie. Et ceſt paro *Demeſne* eſt aſc ſoits uſe en un pluis ſpecial ſignification, & eſt oppoſite al Frank-fee; ſicom ceux Terres q̃ux fueront ẽ l' poſſeſſiõ de *Ld.* le Confeſſor, ſont appel *Antient demeſne*, & touts autres ſont appel *Frank-fee*, *Kitch. fol* 98. & le Tenats q̃ tient aſc d ceux Terres ſõt appel *Tenants en Ancient Demeſne*, les auters Tenants en Frank fee. Et nul comon perſon ad aſc Demeſnes en le ſimple priſans del pol, p ceo que la neſt aſc Terre mes depend mediatemt out immediatemt del Corone, ceo eſt, de aſc Honor ou auter appertiñt al Corone; & nemy grant ẽ fee al aſcun inferior pſon; & p ç quant un hõe en pledant voile enferre ſon Terre dſtre ſon Demeſn. il dit, que il eſt ou fuit ſeiſe de ceo ẽ ſon Demeſne cõe de Fee, *Littleton*, *fol.* 3. p que appiert, q̃ nient obſtant ſon Terre ſoit a luy & ſes Heirs a touts jours, uncore il neſt voyer Demeſne, mes dependant ſur un Seignior paramont, & tiendrant p Service, ou Rent en lieu de Service, ou p Service & Rent enſemble, *Kitch.* 81.

Demaines, ſolonq̃ le comon plance, ſont ſolemt entend le principal Manor-place del Seignior, que il & ſes Anceſtors ont ewe de temps hors de memorie en lour maines demſne, ove tours edifices & meaſõs pres, paſtures, boys terres eyrable, & tiels ſemblables ove ceo occupie.

Demand.

Demand.

Demand eſt vocabulum Artis, & ſi un releaſe a un auter touts Demands, ceo eſt (ſi come *Litt. fol.* 117. *a.* dit) le pluis melior Releaſe a luy a que le Releaſe eſt fait que il poit aver, & plus enurera a ſon advantage; car p̄ c̄ non ſolement touts Demands, mes aux' touts cauſes de Demands ſont releaſe. Et ſont deux mañs de Demands, ceſtaſcavoire, en Fait, & en Ley. *En Fait*, come en cheſcun *Præcipe* la eſt expreſſe Demand; & p̄ c̄ en real Action il eſt appell Demandant, en perſonal Plaintiff. *En Ley*, come cheſcun Entrie en Terre, Diſtreſſe p̄ Rent, Priſel ou ſeiſure des biens, & ſemblable acts en Pays; q̄ poient eſtr̄ fait ſans aſcun pols ou demands en Ley. Sicōe Releaſe de Suits eſt pluis large que Releaſe des Quereles ou de Actions; iſſint Releaſe de Demands eſt pluis large & beneficial que aſcun de eux, car p̄ c̄ eſt releaſe tout ceo q̄ p̄ les auters eſt releaſe, & pluis. Per Releaſe de touts Demands, touts Franktenements & Enheritances Executorie ſont Releaſe: Per releaſe de touts Demands al Diſſeiſor, le droit de Entrie en le terre, & tout q̄ eſt conteine deins ceo eſt releaſe: Per Releaſe de touts Demands, touts Executions ſont Releaſe: Et ceſtuy que releaſe touts Demands, exclude luy m̄ de touts Actions, Entries, & Seiſures.

Demand.

Demand is a Word of Art, and if one releaſe to another all Demands, this is, (as Littleton fol. 117. a. ſaith) the beſt Releaſe to him to whom the Releaſe is made that he can have, and ſhall moſt enure to his advantage; for by it not only all Demands, but alſo all cauſes of Demands are releaſed. And there are two manner of Demands, that is, in Deed, and in Law. In Deed, as in every Præcipe there is expreſs Demand; and therefore in real Actions he is called Demandant, in perſonal Plaintiff. In Law, as in every Entry in Land, Diſtreſs for Rent, Taking or Seiſure of Goods, and ſuch like Acts in the Countrey, which may be done without any Words or Demands in Law. As a Releaſe of Suits is more large than a Releaſe of Quarrels or of Actions; ſo a Releaſe of Demands is more large and beneficial than either of them, for by it is releaſed all that which by the others is releaſed, and more. By Releaſe of all Demands all Freeholds and Inheritances Executory are releaſed. By Releaſe of all Demands to the Diſſeiſor, the right of the Entry in the Land, and all that is contained therein, is releaſed: By Releaſe of all Demands, all Executions are releaſed; and he that Releaſes all Demands excludes himſelf from all Actions, Entries, and Seiſures.

Little

Littleton, fol. 170. holds, That if Tenant in Tail enfeoffs his Uncle, who enfeoffs another in Fee with Warranty; if after the Feoffee by his Deed Releaſes to the Uncle all manner of Demands, by ſuch Releaſe the Warranty, which is a Covenant real and Executory, is extinct: And the reaſon is, becauſe that by Releaſe of Demands all the means and remedies, and their Cauſes, which any hath to Lands, Tenements, Goods, Chattels, &c. are extinct, and, by conſequence, the right and intereſt it ſelf unto the thing. Yet a Releaſe of all Demands doth not extend to ſuch Writs by which nothing is Demanded, neither in Deed nor in Law, but lie only to relieve the Plaintiff by way of Diſcharge; and not by way of Demand; as a Releaſe of all Demands is no Bar in a Writ of Error to reverſe an Outlawry, and ſo of ſuch like. See 18 Edw. 3. 59. Coke lib. 8. fol. 153, 154.

Littleton fol. 170. teign, Que ſi Tenant en Taile enfeoffe ſon Uncle, l' quel enfeoffe un aut'en Fee ove Garrantie; ſi apres le Feoffee per ſon Fait releſſa a ſon Uncle touts maners de Demands, p tiel Releaſe le Garantie, que eſt Covenant real & Executorie, eſt extinct: Et le reaſon eſt, pur ceo que per Releaſe des Demands touts les meanes & remedies, & les Cauſes de eux, que aſcun ad al Tres, Tenements, biens, Chattels, *&c.* ſont extinct, & per conſequence, le droit & intereſt m al choſe. Uncore Releas de touts Demands ne extend a tiels Brs per queux riens eſt demand, neque en Fait neque en Ley, mes giſont ſolement a reliever le Plaintiff per voy de Diſcharge, & nemy per voy de Demand; come Releas de tout Demands neſt Barr in Bre de Error de reverſer un Utlagarie, & iſſint des ſemblables. Veies 18 *Ed.* 3. 59. *Coke lib.* 8. *fol.* 153, 154.

Demandant.

DEmandant is he that ſues or complains in an Action real for Title of Land; and he is called Plaintiff in an Aſſiſe, and in an Action perſonal, for Debt, Treſpaſs, Deceit, Detinue and ſuch like.

Demandant.

D*Emandant* eſt celuy que ſue ou compleign en Action real pur Title de terre; & il eſt appel *Plaintiff* en un Aſſiſe, & en un Action perſonal, pur Det, Trs, Diſceit, Detinue, & tiels ſemblables.

Demiſe.

DEmiſe, Dimiſſio, is applied to to an Eſtate in Fee-ſimple, Fee-tail, or for Life, and it is ſo commonly taken in many Writs, Co. 2 Inſt. fol. 83. The

Demiſe.

DEmiſe, *Dimiſſio*, eſt apply al un Eſtate en Fee-ſimple, Fee-tail ou pur vie; & iſſint eſt comunement priſe en pluſeurs Briefs. Co. 2 *Inſt.* fol. 83.

fol. 83. Le mort le Roy eſt en ley appel le Demiſe del Roy.

Demurrage.

EST dit le temps que un Neif giſt idle en un Port ou Harbour ou ſur le mere en un calm.

Demurrer.

D*Emurrer* eſt, quant aſcun Action eſt port, & le Defendant plead un Plee, a que le Plaintiff dit que ne voile reſpond, pur ceo que il n'eſt ſufficient Plee en Ley; & le Defendant averr le contrarie, que il eſt ſufficient Plee; & ſur ceo ambideux mitteront le Cauſe al Judgment del Court: Que eſt appel un *Demurrer*, pur ceo que ils ne vaont ouſter en Pleading, mes Demurrer ſur Judgement de cel point; & dicitur en Latine Records, *Moratur in Lege.*

Car en cheſcun Action le difference conſiſt ou en Fait, ou en Ley. Si en Fait, il eſt trie per le Pais: Si en Ley, donque le matter eſt ou facile, ou dure & rare: Si il ſoit facile, donque Judgment eſt immediatement don; mes, quant il eſt dure & en awruſt, donque la eſt Demurrer fait, & temps priſe ou de conſider ouſter ſur ceo per les Judges, de agreer ſi ils poyent, ou auterment per touts les Juſtic de vener enſemble en le Exchequer-Chamber, & ſur oyer de ceo que les Sergeants dieront de ambideux parts, de adviſer & determiner que eſt Ley; & ceo

death of the King is in Law called the Demiſe of the King.

Demurrage.

IS called the time when a Ship lies idle in a Port or Harbour or on the Sea in a Calm.

Demurrer.

DEmurrer is when any Action is brought, and the Defendant pleads a Plea, to which the Plaintiff ſays that he will not anſwer, for that it is not a ſufficient Plea in the Law; and the Defendant avers the contrary, that it is a ſufficient Plea; and thereupon both Parties ſubmit the Cauſe to the Judgment of the Court: Which is called a Demurrer, for that they go not forward in pleading, but reſt upon Judgment in that point; and is called in Latin Records, Moratur in Lege.

For in every Action the difference conſiſts either in Deed or in Law. If in Fact, it is tried by the Jury; if in Law, then the matter is either plain, or difficult and rare: If it be plain, then Judgment is preſently given; but when it is hard and doubtful, then is ſtay made, and time taken either to conſider farther thereupon by the Judges, to agree if they can, or otherwiſe for all the Juſtices to meet together in the Exchequer-Chamber, and, upon hearing of that which the Serjeants ſhall ſay unto both Parts, to adviſe and determine what is Law; and that which is

there

there concluded on by them ſhall ſtand firm, without further remedy.

There is alſo a Demurrer to Evidence given to a Jury upon Tryal of an Iſſue, Plo. Com. 2. 3 Raſt. Entr. 607.

Half-blood.

HAlf-blood is, when a Man Marries a Wife, and hath iſſue by her or a Son a Daughter, and the Wife dies, and then he takes another Woman, and hath by her alſo a Son or Daughter: Now theſe two Sons are after a ſort Brothers, as they are termed, Half-brothers, or Brothers of the Half-blood, that is, Brothers by the Fathers ſide, becauſe they had both one Father, and are both of his Blood, and not Brothers at all by the Mothers ſide, nor of Blood nor in that way; and therefore the one of them cannot be Heir to the other: For he that will claim as Heir to one by deſcent, muſt be of the whole Blood from him from whom he claims. In the ſame manner it is, if a Woman hath divers Iſſues by divers Husbands, who are called Brothers by one Mother.

Denariata terræ.

Denariata Terræ. See Fardingdeal.

Denelage.

Denelage is the Law that the Danes made here in England, out of which and Merchenlage and Weſtſaxonlage William the Conqueror compoſed certain Ordinances to be obſerved by his Subjects.

que eſt la conclude per eux eſtoyera firme, ſans auter remedie.

Eſt auxy un Demurrer al Evidence done a un Jury ſur Tryal dun iſſue. *Plow. Com.* 2. 3. *Raſt. Entr.* 607.

Demy ſanke, ou Sangue.

D*Emy ſanke* eſt, quant un home marie un feme, & ad iſſue per luy un fitz ou file, & le feme moruſt, & donqs il priſt un aut' feme, & ad p luy auxy un fitz ou file: Ore ceux fitz ſont ſolonque un mañer Freres, ou, come ils ſont appells Demy-freres, ou Freres del demy ſanke, ceſt adire, Freres per le part de Pere, pur ceo q̃ ils ont ambideux un pere, & ſont ambideux de ſon ſangue, & nemy Freres p le part le Mere, ne de aſcun ſanke ou kinne ceſt voy: & pur ceo le un de eux ne poit eſtre Heire al auter: car il que voile claim come Heire al un per diſcent, doit eſtre de entire ſanke a luy de que il claim. En meſme le manner eſt, ſi feme eyt divers iſſues per divers barons, qui *Fratres Uterini* dicuntur.

Denariata terræ.

D*Enariata terræ.* Veies *Fardingdeal.*

Denelage.

D*Enelage* eſt le Ley que les *Danes* feſoient icy en *Engleterre*, hors de q̃ & *Merchanlage & Weſtſaxonlage Guhelme* le Conqueror compoſe certain Ordinances de ceo obſerve p ſes ſubjects.

Denizen.

D*Enizen*, ou *Donaiſon*, eſt, lou Alien nee devient le Subject le Roy, & obtain les Letters Patents le Roy pur injoyer touts Priviledges come un home *Anglois*: Mes ſi un ſoit fait *Denizen*, il payer Cuſtomes & divers auters choſes come Alien, come appiert per divers Statutes de ceo fait.

Il ſemble que *Donaiſon* eſt le voyer noſme, iſſint appel, pur ceo que ſon Legitimation eſt *done* a luy; & nemy *Denizen*, come derive de *Deins nee*. Et le Ley eſt cy preciſe en le Feaſans de *Donaiſons*, que le Roy ne poit grant' al aſcun auter a faire de Aliens nee Donaiſons, il eſt per la Ley cy inſeperablement & individualment añex a ſon Royal Perſon; car le Ley eſteem c̄ un hault Prerogative, a faire Aliens Subjects del Royalme, & capable de Terres & Inheritances, come natural Subjects nee ſont.

Et pur ceo le Stat. de 27 *H.* 8. *cap.* 24. que reunite pluſors del pluis ancient Prerogatives & Regal Flowers del Coroñ, ne pas mention aſcun authority de faire Letters de Donaiſation deſtī reſume, pur c̄ que aſcun ne unque ceo claim̄ pas per aſcun p̄text quecunque, il eſteant cy hault point de Prerogatiye. Veies *Co. lib.* 7. *Calvin's Caſe.*

Denizen.

DEnizen, or Donaiſon, is, where an Alien born becomes the King's Subject, and obtains the King's Letters Patents to enjoy all Privileges as an Engliſhman: But if one be made Denizen, he ſhall pay Cuſtoms and divers other things as an Alien, as it appears by divers Statutes thereof made.

It ſeems that Donaiſon is the true name, ſo called, becauſe that his Legitimation is given to him, and not Denizen, as derived from Deinnee. And the Law is ſo preciſe in the making of Denizens that the King cannot grant power to any other to make Aliens born Denizens, it is by the Law ſo inſeparably and individually annexed to his Royal Perſon; for the Law eſteems it an High Prerogative to make Aliens Subjects of the Realm, and capable of Lands and Inheritances as Natural Born Subjects are.

And therefore the Statute of 27 Hen. 8. cap. 24. which reunites many of the moſt ancient Prerogatives and Regal Flowers of the Crown makes no mention of any Authority to make Letters of Denization to be reſumed for that he never claimed by any pretext whatſoever, being ſo high a Point of Prerogative. See Coke lib. 7. Calvin's Caſe.

Deod

Deodand.

DEodand is, when any Man by misfortune is ſlain by a Horſe, Cart, or any other thing that moves to further his death; ſuch thing which at the time of his misfortune did move or cauſe his death ſhall be forfeit to the King, and that is called Deodand; and that pertains to the King's Almoner, for to diſpoſe in Alms and Deeds of Charity.

But it is not forfeited until the matter be found of Record, and therefore they cannot be claimed by Preſcription: And the Jury that finds or preſents the death by ſuch miſadventure, ought alſo to find and appraiſe the Deodand, Co. lib. 5. fol. 110.

If a Horſe ſtrikes one, and afterwards the Owner ſells the Horſe, and then the party that was ſtricken dies of the ſtroke; in this caſe the Horſe ſhall be forfeited as a Deodand, notwithſtanding the ſale; for relation ſhall be had to the ſtroke which was before the Sale. Plowd. Com. 260. b. Co. 5. fol. 110. (dead,

What move to death, or kill the Are Deodands and forfeited.

Departure from a Plea or matter.

DEparture from a Plea or matter is, where a Man pleads a Plea in Bar, and the Plaintiff replies thereto, and he after in his Rejoynder pleads or ſhews another matter, contrary, or not purſuing to his firſt Plea; that is called a Departure from his Bar. As if a

Deodand.

D*Eodand* eſt, quant aſcun home per misfortune eſt occide per un Chival, Charret, ou auter choſe moveant ou aydant al ſon mort; cel choſe que eſt le cauſe de ſon mort, & que al temps de la misfortune mova, ſerra forfeit al Roy, & ceo eſt appel *Deodand*; & ceo perteine al Almon' le Roy, pur diſpoſer en Almes & ovres de charitie.

Mes il neſt forfeit tanque le choſe ſoit trove d Record, & pur ceo ils ne poyent eſte claime per Preſcription & le Jurie que trove ou preſent le mort per tiel miſadventure, doient auxy trover & appriſe le *Deodand*, *Co. lib.* 5. *fol.* 110.

Si un Chival percuſt un hom̃, & puis le Owner vend le Chival, & donq̃ le partie que fuit pcuſſe moruſt del ſtroke; en ceo caſe le Chival ſerra forfeit come *Deodand*, nient obſtant le vendition; car relation ſerra al ſtroke que fuit paravant le vendition. *Plow. Com. fol.* 260. *b. Co.* 5. *fol.* 110.

Omnia quæ movent ad mortem ſunt Deodand.

Departure de ſon Plee ou matter.

D*Eparture de ſon Plee ou matter* eſt lou un hõe plede un Plee en barr̃, & le Plaintiff reply a ceo, & il apres en ſon Rejoynder plede ou monſtre auter matter, contrarie, ou nient purſuant a ſon primer Plee en barr̃; ceo eſt appel un *Departure* de ſon

Barre. Come ſi home plead un gen̄al Agreem̄t en barre, & en le Rejoynder il alledge un eſpecial Agreement; ceo ſerra adjudge un Departure en Pleading. Iſſint en Treſpaſs, ſi le Defendant voil' pleader diſcent a luy, & le Plaintiff dit, que puis ceo le Defendant infeoffe luy, & le Defendant dit, que ceo Feoffment fuit ſur Condition, pur le enfriend de que il enter ceo eſt Departure del Barre, car eſt novel choſe. Veies *Plow. Com. fol.* 7 & 8.

man pleads a general Agreement in bar, and in the Rejoynder he alleges an eſpecial Agreement; this ſhall be adjudged a Departure in Pleading. So in Treſpaſs, if the Defendant will plead a deſcent to him, and the Plaintiff ſaith, that after this the Defendant enfeoffed him, and the Defendant ſaith, that this Feoffment was upon Condition, for the breach whereof he entred, this is a Departure from the Bar, for it is a new matter. See Plow. Com. fol. 7 & 8.

Departure en ſpite del Court.

Departure in deſpight of the Court.

D*Eparture en ſpite del Court* eſt, quant le Tenant ou Defendant appeare al Action, & ad jour ouſter en meſme le Terme, ou eſt demand apres, coment nul jour ſoit en meſme le Term̄, ſil ne appear, mes fait Default, ceſt un *Departure en deſpite de Court*, & pur ceo il ſerra condemne.

DEparture in deſpight of the Court is, when the Tenant or Defendant appears to an Action, and hath a day in the ſame Term, or is called after, though he had no day given him, ſo that it be in the ſame Term, if he do not appear, but make Default, it is a Departure in deſpight of the Court, and therefore he ſhall be condemned.

Et eſt deſtre obſerve, que *Departure* en deſpite del Court eſt touts foits del part del Tenant ou Defendant, & le Entry de ceo eſt. *Quod prædictus* A. *licet ſolenniter exactus, non revenit, ſed in contemptum Curiæ receſſit, & Defaltam fecit*: Et ceo eſt quant en Judgment del Ley il eſt preſent en Court, & eſteant demand, depart en deſpite del Court; ceo amount a un Barre en reſpect del Deſpight & Contempt al Court. Veies *Co. lib.* 8. *fol.* 62.

And it is to be obſerved, that Departure in deſpight of the Court is always on the part of the Tenant or Defendant, and the Entry thereof is, Quod prædictus *A.* licet ſolenniter exactus, non revenit, ſed in contemptum Curiæ receſſit, & Defaltam fecit: and this is when in judgment of the Law he is preſent in Court, and being demanded, departs in deſpight of the Court; this amounts to a Bar in reſpect of the Deſpight and Contempt of the Court. See Coke lib. 8. fol. 62.

Depoſition.

DEpoſition, Depoſitio, is the Teſtimony of a Witneſs taken in Writing by way of Anſwer to Interrogatories exhibited in Chancery, where ſuch Witneſs is called a Deponent.

Deprivation.

DEprivation is, when an Abbot, Biſhop, Parſon, Vicar, Prebend, &c. is deprived or depoſed from his Preferment for any matter in Fact or in Law. As if a Miſcreant or Schiſmatick be preſented, admitted, and inducted, there is good cauſe of Deprivation: So if a meer Lay-man be preſented, admitted, and inducted, and inducted, yet he ſhall be deprived: or if the Incumbent hath Plurality of Benefices; or ſubſcribe not to the Articles of Religion, according to the Statute of 13 Eliz. cap. 12.

By the Statute of 21 H. 8. cap. 13. It is enacted, That if any perſon, having a Benefice with cure of ſouls of the yearly value of eight pounds, or more, accepts or takes any other with cure of ſouls, and be inſtituted and inducted into the poſſeſſion thereof; the firſt Benefice ſhall be void, and the Incumbent in this caſe is outed or deprived by Ceſſion. In which caſe the Biſhop needs not give notice to the Patron, becauſe the Deprivation is by Act of Parliament, to which every one is party, and ought to take notice at his peril. But otherwiſe it is if the firſt Church be not of the yearly value of eight pounds, for then it is void meerly by the Eccleſiaſtical

Depoſition.

D*Epoſition, Depoſitio*, eſt le Teſtimonie d un Teſmoign ameſne en eſcrit per voy de reſponſe al Interrogatories exhibit en le *Chancery*, lou tiel Teſmoign eſt appel un Deponent.

Deprivation.

D*Eprivation* eſt, quant un Abbe, Eveſq, Parſon, Vicar, Prebend, &c. eſt deprive ou depoſe de ſon Preferm̃t pur aſcun choſe en Fait ou en Ley. Come ſi un Miſcreant ou Schiſmatique ſoit preſent, admit, & induct, la eſt bone cauſe de Deprivation: Iſſint ſi mere Laicus ſoit preſent, admit, inſtitute, & induct, uncore il ſerra deprive: ou ſi l'Incumbent ad Plurality des Benefices; ou ne ſubſcribe a les Articles de Religion, ſolonque le Statute de 13 *Eliz. cap.* 12.

Per le Statute de 21 *H.* 8. *cap.* 12. eſt enact, Que ſi aſc perſon, ayont ou benefice ove *Cura animarum* del annuel value d huict livers ou ouſter, accepta ou p̃ndra aſcun aut' ove Cure des ames, & ſoit inſtitute & induct en le poſſeſſion de ceo; le prim̃ Benefice ſerra void, & le Incumbent en ceo caſe eſt ouſte ou deprive per Ceſſion. En quel caſe ne beſoign̄ al Eveſque a doner notice al Patron, p̄ ceo que le Deprivation eſt p Act d Parliam̃t, a que cheſcun eſt partie, & doit p̃nder notice a ſon peril. Mes aut'ment eſt ſi le primer Eſgliſe ne ſoit de añuel value de huict livers, car donq̄ ceo eſt voide mere-m̃nt per le Eccleſiaſtical Ley.

Veies *Cok. lib.4. fol.76. & lib. 7.43.b.*

Deputie.

D*Eputie* eſt celuy que exerciſe en aut' droit, ſoit ceo Office ou aſc' aut' choſe: Et ſon forfeiture ou miſdemeanour cauſer l' Officer, ou celuy q̄l Deputie il eſt, de perder ſon Office. Mes un ne poit faire ſon Deputie en touts cases, niſi le Graunt ſoit iſſint: ſicome ſil ſoit ove ceux ou tiels ſēblables parolx, *Exercendo per ſe, vel ſufficientem Deputatum ſuum*; ou ſi les parolx va ouſter, *Per ſe, vel Deputatum ſuum, aut Deputat. Deputati*, Donq̄s il poit faire un Deputie, & ſon Deputie auxy poit faire un Deput' aut' m̄t nemy. Cōe ſi le Office de Parkerſhip ſoit grant a un, il ne poit grant' ceo ouſter a un auter, pur ceo que eſt Office de truſt & confidence, & ne ſerra forfeit. Et la eſt grand diverſitie inter *Deputie* & *Aſſignee* de un Office: car un *Aſſignee* eſt perſon que ad eſtate ou intereſt en le Office m̄, & fait touts choſes en ſon noſme demeſne, p̄ que ſon Grantor ne reſpondera, ſi non que ſoit en eſpecial caſes; & un *Deputie* n'ad aſcun Eſtate ou intereſt en le Office, mes eſt forſque le umbre del Officer, & fait touts choſes en le noſme del Officer meſme, & rien en ſon noſme de eſne, & pur que ſon Grantor reſpondera: & quāt un Officer ad power a faire Aſſignes, il poit implicite faire Deputies, car, *Cui licet quod majus eſt, non debet quod minus eſt non licere*;

Law. See Co. lib.4. fol.76. and lib.7. 43. b.

Deputy.

DEputy is he that exerciſes in another Man's Right either Office or any other thing; and his forfeiture or miſdemeanor ſhall cauſe the Officer, or him whoſe Deputy he is, to loſe his Office. But a man cannot make his Deputy in all Caſes, except the Grant ſo be: As if it be with theſe or ſuch like words, To exerciſe or uſe by himſelf or his ſufficient Deputy; or if the words go farther, To himſelf or his Deputy, or the Deputy of his Deputy, then he may make a Deputy, and his Deputy alſo may make a Deputy or elſe not. As if the Office of a Parkerſhip be granted to one, he cannot grant this over to another, becauſe it is an Office of truſt and confidence, and ſhall not be forfeited. And there is great diverſity between Deputy and Aſſignee of an Office: For an Aſſignee is a perſon that hath an Eſtate or intereſt in the Office it ſelf, and doth all things in his own name, for whom his Grantor ſhall not anſwer, unleſs it be in eſpecial Caſes; and a Deputy hath not any Eſtate or intereſt in the Office, but is only the ſhadow of the Officer; and doth all things in the name of the Officer himſelf, and nothing in his own name, and for which his Grantor ſhall anſwer: And where an Officer hath power to make Aſſigns, he may implicitly make Deputies, for, He that may do more, it ought not to be held unlawful for him to do leſs; and therefore when

when an Office is granted to one and to his Heirs, by this he may make Aſſigns, and by conſequence he may make Deputies.

The King by his Letters Patents commits to the Sheriff the Cuſtody of the County, without expreſs words of making a Deputy; and yet he may make an Under Sheriff, viz. his Deputy. So where before the Statute of Quia emptores terrarum, the King, or other Lord, had given Lands to a Knight, to hold of him by Knight's Service, that is, to go with his Lord (when the King makes a Voyage Royal to ſubdue his Enemies) for 40 days, well and conveniently arrayed for the War; yet he may find another able Perſon: Howbeit, in the one caſe it concerns the publick Adminiſtration and Execution of Juſtice in time of Peace; and in the other, the publick Defence of the Realm in time of War. See Coke, lib. 9. Le Countee de Salop's Caſe.

De quibus ſur diſſeiſin.

THIS is a Writ of Entry. See Fitz. Nat. Brev. fol. 191.

Dereine.

DEreine is taken in divers ſenſes, and ſeems to come from the French Diſarrayer, that is, to confound or put out of order; or elſe the Norman word Deſrene, which is the denial of a Mans own act; and Lex Deraiſnia was the Proof of a thing which one denies to be done by himſelf, and his Adverſary af-

& pur ceo quant Office eſt grant a un & a ſes Heires, p ceo il poit faire Aſſignes, & p conſequence il poit faire Deputies.

Le Roy p ſes Letters Patents commit al Viſcount *Cuſtodiam Comitatus*, ſans expreſſe parols de faire Deputie; & uncore il poit faire un South-Viſcount, ceſt-aſcavoir, ſon Deputie Iſſint quant devant le Statute de *Quia emptores terrarum*, le Roy ou auter Seignior ad done Terres a un Chivaler, a ten̄ d luy p Service d Chivalrie, ceſt adire, d aler ove ſon Seignior (quant le Roy fait Voyage Royal a ſubduer ſes Enemies) pur 40 jours, bien & covenablem̄t array p̄ le Guerre; ore il poit trover auter able Perſon; uncore ē l'un caſe il concerna le publiq̄ Adminiſtration & execution del Juſtice ē temps d Peace; & ē l'aut' le publiq̄ Defence del Royalme ē temps d Guerre. Veies *Coke, lib. 9. Le Countee de Salop's Caſe.*

De quibus ſur diſſeiſin.

CEO eſt un Brief d Entry. Veies *Fitz. Nat. fol.* 191.

Dereine.

D*Ereine* ou *Deraigne* eſt priſe ē divers ſenſes, & ſemble a vener del Francois *Diſarrayer*, c̄ eſt, confounder ou mitter hors d ord, ou aut'-m̄t del *Norman* p̄ol *Deſrene*, q̄ eſt le denial del prop fait d un hōe; & *Lex Diſraiſnia* fuiſt le Proof d un choſe q̄ un denia deſtre fait p luy meſme, & ſon adverſarie affirme, defeatant

featant & confoundant le aſſertion de ſon Adverſarie, & monſtrant ceo deſtre ſans & envers reaſon ou probabilitie. Et en noſtre Ley il eſt variouſment uſe. Primerment, generalment, de prover; come, *Dirationabit jus ſuum hæres propinquior*, Glanvile. *l.* 2. *c.* 6. & *l.* 4. *c.* 6. dit, *Habeo probos homines qui hoc viderunt & audiverunt, & parati ſunt hoc dirationare.* En meſme le manner *Bracton* ceo uſe, *Habeo ſufficientem Diſratiocinationem & probationem.*

firm it, defeating and confounding the aſſertion of his Adverſary, and ſhewing it to be without and againſt reaſon or probability. And in our Law it is diverſly uſed. Firſt, generally, to prove; as, Dirationabit jus ſuum hæres propinquior, Glanvile, l. 2. c. 6. and he, l. 4. c. 6. ſaith, Habeo probos homines qui viderunt & audiverunt, & parati ſunt hoc dirationare. In the ſame manner Bracton uſes it, Habeo ſufficientem Diſratiocinationem & probationem.

Per le Statute d 31 *H.* 8. *cap.* 1. Joyntenāts & Tenāts en common averont Ayde, al entent a *deraigner* le Garrantie paramount. Iſſint *Plow. in Manxel's Caſe, fol.* 7. *b.* ad ceſt Caſe, Si home ad Eſtate en fee, ove Garrantie, & enfeoffe eſtranger ove Garrantie, & moruſt, & le Feoffee vouch ſon Heire; le Heire *deraignera* le primer Garrantie. Auxy ceſt parol eſt uſe quāt religious Homes waiva lour Orders & Profeſſions; come en *Kitchin, fol.* 152. *b.* ſi home fait Leaſe p̄ vie ſur condition, q̄ ſi le Leſſor devie ſans iſſue, q̄ donques le Leſſee avera Fee, le Leſſee enter en Religion, & puis le Leſſor devie ſans iſſue, & puis le Leſſee eſt *deraigne*; il navera Fee, entant q̄ al temps del Condition le Fee ne poit veſt en luy.

But the Statute of 31 H. 8. cap. 1. Joyntenants and Tenants in common ſhall have Aid, to the intent to deraigne the Warranty paramount. So Plow. in Manxel's Caſe, fol. 7. b. hath this Caſe, If a Man hath an Eſtate in fee with Warranty, and enfeoffs a ſtranger with Warranty, and dies, and the Feoffee vouches his Heir; the Heir ſhall deraigne the firſt Warranty. Alſo this word is uſed when religious Men forſake their Orders and Profeſſions; as in Kitchin, fol. 152. b. if a Man makes a Leaſe for Life upon condition, that if the Leſſor dies without iſſue, then the Leſſee ſhall have Fee, the Leſſee enters in Religion, and then the Leſſor dies without iſſue, and after the Leſſee is deraigned; he ſhall not have Fee, inſomuch as at the time of the Condition the Fee cannot veſt in him.

D

De ſon tort demeſne.

DE ſon tort demeſne ſeem to certain wozds of fozm in an Action of Treſpaſs, uſed by way of Reply to the Plea of the Defendant: As if A. ſues B. in an Action of Treſpaſs, and B. anſwers foz himſelf, that he did this which A. calls Treſpaſs by the commandment of C. his Maſter; A. ſaith again, that B did this of his own wrong, without that that C. commanded him in ſuch manner and fozm, &c.

Debt.

DEbt is a Writ that lies where any ſum of Money is due to a Man by reaſon of Account, Bargain, Contract, Obligation, oz other Eſpecialty, to be paid at a certain day, which is not paid; then he ſhall have this Writ. But if any Money be due to any Lozd by his Tenant foz any Rent-ſervice, the Lozd ſhall never have Action of Debt foz that, but he muſt diſtrain foz it. Alſo foz Rent-charge oz Rent-ſeek, which any Man hath foz life, in tail, oz in fee: he ſhall not have an Action of Debt as long as the Rent continues; but his Executozs may have an Action of Debt foz the Arrearages due in the Life of their Teſtatoz, by the Statute 32 H. 8. c. 37.

Foz Arrearages of Rent reſerved upon a Leaſe foz term of years, the Leſſoz is at his election to have an Action of Debt, oz to diſtrain: but if the Leaſe be determined, then he ſhall not diſtrain after foz that Rent, but he muſt have an Action of Debt foz the Arrearages.

De ſon tort demeſne.

DE *ſon tort demeſne* ſemble deſtre certain parols de forme ē un Action d̄ Treſpaſſe, uſe p̄ voy d̄ Reply al Plee del Defendant: Come ſi *A.* ſuiſt *B.* ē un Action d̄ Treſpaſſe, *B.* reſpondue p̄ luy meſme, q̄ il ad ceo fait q̄ *A.* appel Trepaſſe p̄ le cōmandm̄t d̄ *C.* ſon Maſter; *A.* dit arere, q̄ *B.* ad ceo fait *de ſon tort demeſne*, ſans ceo que *C.* luy commanda modo & forma, &c.

Dett.

DEtt eſt un Brief que giſt lou aſcun ſumme d̄ argēt eſt due a un p̄ reaſon d̄ Accompt, Bargain, Contract, Obligation, ou auter Eſpecialtie, a eſte pay a aſc̄ certain jour, le quel neſt pay; donques il aver̄ ceſt Brief. Mes ſi aſc̄ argent ſoit due a aſcun Sr̄ p̄ Son Tenant p̄ aſcun Rent-ſervice, le Sr̄ ne unques avera Action de Dett p̄ ceo, mes il faut diſtreine p̄ ceo. Auxy p̄ Rent-charge ou Rent-ſeck, quel home ad p̄ terme d̄ ſon vie, en taile, ou en fee, il navera Action d̄ Dett cy longe cōe le Rent endure; mes ſes Executors poyent aver un Action de Dett p̄ les Arrerages due en le vie lour Teſtator, p̄ le Statute 32 *H.* 8. *c.* 37.

Pur Arrerages d̄ Rent reſerve ſur un Leaſe p̄ terme d̄ ans, le Leſſor eſt a ſon eleccīō d'aver Actiō d̄ Dett, ou p̄ diſtreiner: mes ſi le Leaſe ſoit determiñ, donques il ne diſtreinera aps̄ p̄ cel Rent, mes covient luy d'aver un Actiō d̄ Dett p̄ les Arrearages.

Et

Et nota, Que p̄ le Ley del Realme Dett eſt ſolem̄t priſe d̄ ſurder ſur aſcun Contract ou Penaltie impoſe p̄ aſcun Statute ou paine, & nemy p̄ auter Offences, cōe en le Civil Ley, *Debitum ex delicto.*

Si home enter Taverne a boyer, & quant il ad boya, il de ala, & ne voet pay le Taverner; le Taverner navera Action de Treſpaſſe vers luy pur ſon Entrie, mes avera Action de Dett pur le Vine.

Si jeo deliver Drape a un Tailor a faire un Toge, ſi le priſe ne ſoit agree en certain devant, combien jeo payera pur le feaſance; il navera vers moy un general Action de Dett, mes un ſpecial Action de Debt, & countera ſpecialment, & il ſerra mis al Jurie quant il deſerve.

Mes ſi un Tailor fait un Bill, & il meſme rate le feaſance & les neceſſaries a ceo; il navera Action d̄ Dett p̄ ſes values demeſne, ſi non q̄ fuit iſſint eſpecialm̄t agree; mes en tiel caſe il poit deteine le Garm̄t tanq̄ il ſoit ſatisfie, cōe un Hoſtler poit le Chival de ſon Gueſt p̄ ſon viands. *Coke l.* 8. 147.

Auxy Dett giſt pur fines de Copyholds & p̄ amerciaments en Courts Leet, & Court Baron, & ſur agards & ſur recoveries en baſe Courts, ou Courts de Record.

And note, That by the Law of the Realm Debt is only taken to ariſe upon ſome Contract or Penalty impoſed by ſome Statute or Pain, and not by other Offence, as in the Civil Law, Debitum ex delicto.

If a Man enter into a Tabern to drink, and when he hath drank, goes away, and will not pay the Vintner; the Vintner ſhall not have an Action of Treſpaſs againſt him for his Entry, but ſhall have an Action of Debt for the Wine.

If I deliver Cloth to a Tailor to make a Gown, if the price be not agreed on in certain before, how much I ſhall pay for the making; he ſhall not have againſt me a general Action of Debt, but a ſpecial one, and ſhall declare ſpecially, and it ſhall be put to the Jury, how much he deſerves.

But if a Tailor make a Bill, and himſelf rates the making, and the neceſſaries thereunto; he ſhall not have an Action of Debt for his own values, unleſs it was ſo ſpecially agreed; but in ſuch caſe he may detain the Garment until he be paid, as an Hoſtler may his Gueſts Horſe for his meat. Coke l. 8. 147.

Alſo Debt lyeth for Fines of Copyholds, and for amerciaments in Courts Leet, and Courts Baron, and upon Awards, and upon Recoveries in baſe Courts, or Courts of Record.

Detinue.

DEtinue is a Writ that lies against him, who having Goods and Chattels delivered to him to keep, refuses to redeliver them. See hereof, Fitz. Nat. Brev. 138.

Devastaverunt bona Testatoris.

DEvastaverunt bona Testatoris is, when the Executors will deliver Legacies, or make restitution for wrongs done by their Testator, or pays his Debts due upon Contracts or Specialties, whose days of payment are not yet come, &c. and keep not sufficient in their hands to discharge those Debts upon Records or Specialties, which they are compellable by the Law to satisfie in the first place; then they shall be constrained to pay these out of their own Goods, according to the value of what they voluntarily delivered or paid without compulsion: for such irregular and illegal Payments are accounted in the Law a Wasting of the Goods of the Testator, as much as if they had given them away without cause, or sold them, and converted them to their own use.

And therefore if A. be bound in a Recognisance, or in a Statute-Merchant, or Staple, and after Recovery is had against him in an Action of Debt, and he makes his Executors, and dies; his Executors are bound by the Law to pay the Debt due upon the Recovery, although it be later in time, before the Debt due

Detinue.

D*Etinue* est un Brief q̄ gist vers luy, q̄ ayant biens & chattels deliver a luy de gard, refusa d̄ restorer eux arere. Vide d̄ ceo *Fitz. Nat. Brev.* 138.

Devastaverunt bona Testatoris.

D*Evastaverunt bona Testatoris* est quant les Executors voile deliver Legacies, ou faire restitution p̄ torts faits p̄ lour Testator, ou pay ses Debts due sur Contract ou Specialties, queux jours d̄ payñt ne sont uncore venus, &c. & ne gard sufficient ē lour mains p̄ discharge ceux Detts sur Records ou Specialties q̄ ils sont compellable primerment per le Ley de satisfier; donques ils serront constraine de payer de lour biens demesne ceux dutes, accordant al value de ceo que ils deliveront ou pay sans compulsion: car tiel irregular & illoyal Payments sont account en le Ley un *Vastant* des biens del Testator, cy tant come si il ad done eux sans cause, ou vend eux, & convert a lour proper use.

Et pur ceo si *A.* soit lie en Recognisance, ou en Statute Merchant ou Staple, & puis Recoverie est ewe vers luy en Action de Dett, & il fait ses Executors, & moruſt; ses Executors sont tenus per la Ley a payer le Det due sur Recoverie, coment q̄ soit puisne, devant le Dett due p̄ Recognisance

ſance ou Statute, p̄ ceo q̄ coment que ambideux ſont Records, uncore le Judgement ē le Court le Roy ſur judicial & ordinary proceeding eſt pluis notorious & conſpicuous, & de pluis hault & eminent degree, q̄ un Statute ou Recogniſance priſe en private, & p̄ conſent des parties, & pur ceo preferre ē jugement del Ley devant Recogniſance ou Statute: & ſi l'Executors ne ceo primerment ſatisfie, dōque ſils nont des biens le mort en lour mains, ils reſponderont ceo d̄ lour biens demeſne. Iſſint l'Ordinarie ayant biens de un que moruſt inteſt' en ſes mains p̄ Sequeſtration, & un Action de Dett ſur un Obligation al value des dits biens ſoit port vers luy come Ordinarie; il ne diſpoſera ou adminiſtera aſcun parcel de les dits biens a les auters Creditors a ſon pleaſure, mes eſt tenus a ſatisfier le Dett primes de que un Action eſt attempt vers luy. *Dyer, fol.* 232. *placito* 5.

by Recogniſance or Statute, becauſe though both are Records, yet the Judgment in the King's Court upon judicial and ordinary Proceeding is more notorious and conſpicuous, and of a more high and eminent degree, than a Statute or Recogniſance taken in private, and by conſent of Parties, and is therefore preferred in judgment of the Law before Recogniſance or Statute: and if the Executors do not ſatisfy the firſt, then if they have no Goods of the dead in their Hands, they ſhall pay it of their own. So the Ordinary having Goods of one that dies inteſtate in his Hands by Sequeſtration, and an Action of Debt upon an Obligation to the value of the ſaid Goods is brought againſt him as Ordinary; he ſhall not diſpoſe or adminiſter any parcel of the ſaid Goods to the other Creditors at his pleaſure, but is bound to ſatisfy the Debt firſt for which an Action is brought againſt him. Dyer, fol. 232. placito 5.

Si un Viſcount retorne *ex officio* ſans Enqueſt, que l'Executor ad degaſt biens, l'Execution iſſue envers les proper biens del Executor. Et ſi le retorne ſoit faux, donques l'Executor poit aver un Action ſur le Caſe verſus le Viſcount p̄ ſon faux retorne, p̄ ceo q̄ l'Executor ad nul jour a pleder. Mes ſi le Viſcount retorne *devaſtavit* ſur un Enqueſt p̄ Jury, l'Executor poit appear & traverſe *quod ipſe non devaſtavit*, & trie ceo, 1 *Cro.*

If a Sheriff return ex officio without Inqueſt, that the Executor hath waſted Goods, the Execution goes de bonis propriis of the Executor, and if the return be falſe, then the Executor may have an Action upon the Caſe againſt the Sheriff for his falſe return, becauſe the Executor hath no day to plead. But if the Sheriff return a devaſtavit upon an Inquiry by a Jury, the Executor may appear and traverſe, quod ipſe non devaſtavit, and try it, 1 Cro.

Mounſon

Mounſon and Bourne, and Proctor verſus Chamberlain.

Devenerunt.

DEvenerunt is a Writ directed to the Eſcheator, when any of the King's Tenants, holding in Capite dies, and when his Son and Heir, within age, and in the King's cuſtody, dies, then ſhall this Writ go forth, commanding the Eſcheator, that he by the Oath of good and lawful Men inquire what Lands or Tenements by the death of the Tenant come to the King, &c. See Dyer, fol. 360. placit. 4. But ſee the Statute 12 Car. 2. cap. 24.

Deveſt.

DEveſt is a word contrary to Inveſt; for as Inveſt ſignifies to deliver the Poſſeſſion of a thing, ſo Deveſt ſignifies the taking it away.

Deviſe.

DEviſe is, where a Man in his Teſtament gives or bequeaths his Goods or Lands to another after his deceaſe. And where ſuch Deviſe is made of Goods, if the Executors will not deliver them to the Deviſee, he hath no remedy by the Common Law, but it behoves him to have a Citation againſt the Executors of the Teſtator, to appear before the Ordinary, to ſhew why they perform not the Will of the Teſtator: for the Deviſee may not take the Legacy and ſerve himſelf, but it muſt be delivered to him by the Executors. See the Stat. 32. H. 8. cap. 1.

Mounſon & Bourne, & Proctor verſus Chamberlain.

Devenerunt.

D*Evenerunt* eſt un Brief direct al l'Eſcheator, quant aſcun Tenants le Roy, q̄ tient en *Capite* moruſt, & quant ſon Fits & Heire deins age, & en cuſtodie le Roy, moruſt, donq̄ ceſt Brief iſſera, cōmandant l'Eſcheator, que il per le ſerement d probes & loyals homes enquire q̄ Terres ou Tenemēts p le mort le Tenāt deveigne al Roy, &c. Veies *Dyer, fol.* 360. *placit.* 4. Mes veies le Statute 12 *Car.* 2. *cap.* 24.

Deveſt.

D*Eveſt* eſt un parol contrary al *Inveſt*; car cōe *Inveſt* ſignifie a trader le poſſeſſion d'un choſe, iſſint *Deveſt* ſignifie l'auferance de ceo.

Deviſe.

D*Eviſe* eſt, lou un en ſon Teſtament done ou grāt ſes Biens ou ſes Terres a un auter apres ſon deceaſe. Et lou tiel Deviſe eſt fait des Biens, ſi les Executors ne voylent deliver eux a le Deviſee, il nad remedie p le Common Ley; mes il covient de aver un Citation vers les Executors le Teſtator, de appearer devant le Ordinary, de monſtrer pur que ils ne performe le Volunt le Teſtator: car le Deviſee ne poit prender le Legacie & luy meſme ſerver, mes il doit eſtre deliver a luy per les Executors. Vide le *Stat* 32. *H* 8. *cap.* 1.

&

& 34 H. 8. c. 5. & 29 Car. 2. cap. 3. p quel darreine Statute le Ley des Teſtaments eſt alter.

Mes p le Common Ley, ſi home fuit ſole ſeiſie de Terres en fee, & deviſa eux p ſon Teſtament; ceſt Deviſe fuit voide, ſi non les Terres fueront en un Citie ou Borough lou Terres ſon deviſable p Cuſtome. Mes ſi aſcun home fuiſſoit enfeoffe al uſe de un auter & ſes Heires, & ceſtuy a q̄ uſe il fuit iſſint ſeiſie feſoit Deviſe de ſes Terres; ceſt Deviſe fuit bone, com̄t q̄ il ne fuit en Ville lou Terres ſont deviſable.

Auxy ſi aſcun hōe deviſe Terres en Citie, Ville, ou Borough, deviſable, & le Deviſor devie; ſi ſon Heire ou aſcun auter abate en les Terres, donques le Deviſee avera Brief de *Ex gravi querela*. Mes ceſt Brief ne ſerra jam̄s plede devat le Juſtice le Roy, mes touts foits devant le Maior ou Bailiffe en le dit Ville

Et ore, al fine de monſtre quant les Leys de ceſt Royalm, & les diſcreet Judges de ceo, queux ſont les Interpreters, ont favour Volunts & Teſtaments, & iſſint Deviſes, en yeelding al eux tiel reaſonable conſtruction come ils penſent poit bien agree ove les mentes de les morts, conſiderantes que Volunts & Teſtaments ſont pur le pluis part, & p common intendment, fait quant le Teſtator eſt ore en grand languor feeble, & paſſa tout ſperans de recoverie: car il eſt un opinion en le Pays

& 34. H. 8. c. 5. & 29 Car. 2. c. 3. By which laſt Statute the Law of Teſtaments is altered.

But by the Common Law if a Man be ſole ſeiſed of Lands in fee, and deviſes them by Teſtament; this Deviſe was void, unleſs the Lands were in a City or Borough where Lands are deviſable by Cuſtom. But if any Man were infeoffed to the uſe of another and his Heirs, and he to whoſe uſe he was ſo ſeiſed did make Deviſe of his Lands, this Deviſe was good, though it were not in a Town where Lands are deviſable.

Alſo if any Man deviſe Lands in City, Town, or Borough, deviſable, and the Deviſor dies; if his Heir or any other abate in the Lands, then the Deviſee ſhall have a Writ of Ex gravi querela. But this Writ ſhall never be pleaded before the King's Juſtice, but always before the Mayor or Bailiffs in the ſame Town.

And here, to the end to ſhew how much the Laws of this Realm, and the diſcreet Judges of the ſame, who are the Interpreters of it, do favour Wills and Teſtaments and Deviſes, in yielding to them ſuch a reaſonable conſtruction as they think might beſt agree with the minds of the Dead, conſidering that Wills and Teſtaments are for the moſt part, and by common intendment, made when the Teſtator is very ſick weak, and paſt all hope of recovery: for it is a received opinion in the Country a

moſt

mongſt moſt, that if a Man ſhould chance to be ſo wiſe as to make his Will in his good Health, when he is ſtrong, of good memory, and hath time and leiſure to ask counſel (if any doubt were) of the learned, that then he ſhould not live long after; and therefore they defer it to ſuch time when it were more convenient to apply themſelves to the diſpoſitions of their Souls, than of their Lands or Goods, except it were that by the freſh memory and recital of them at that time, it might be a cauſe to put them in mind of ſome of their Goods or Lands falſly gotten, and ſo move them to Reſtitution, &c. And at that time the penning of ſuch Wills is commonly committed to the Miniſter of the Pariſh, or to ſome other more ignorant, who knows not what words are neceſſary to make an Eſtate in Fee-ſimple, Fee-tail, for term of Life, or ſuch like, beſides many other miſchiefs: I will therefore here ſet down ſome of thoſe Caſes that are moſt common in ignorant Mens Mouths, and carry, by the wiſe Interpretations of the Judges, a larger and more favourable ſenſe in Wills, than in Deeds.

Firſt therefore, if one deviſe to J. S. by his Will all his Lands and Tenements; here not only all thoſe Lands that he hath in poſſeſſion do paſs, but all thoſe that he hath in Reverſion, by virtue of thoſe Words, Tenements.

inter le greinder nombre, q̄ ſi un home perchance ſoit cy prudent come de faire ſon Volunt en ſon bone ſanitie, quant il eſt ſtrong, d̄ bone memorie, & ad temps & opportunitie a dēand counſel (ſi aſcun doubt ſoit) de le learned, q̄ donques il ne doit viver long apres; & p̄ ceo ils ceo deferre tanq̄ tiel tēps quāt ceo ſoit pluis convenient d̄ applier eux meſmes a le diſpoſition de lour Ames, q̄ d̄ lour Terres & Biens, ſi non q̄ il ſoit q̄ d̄ freſh memorie & recital p̄ eux a ceſt temps, il poit un eſtre cauſe d̄ mitter eux ē ment d̄ aſc̄ d̄ lour biens ou terres fauxment purchaſe, & iſſint move eux al reſtitution, &c. Et a ceſt tēps l'ecriture d̄ tiels Volunts eſt cōmunem̄t cōmit al Miniſter del Paroch, ou al aſcun auter pluis ignorant, q̄ ne ſcavoit queux parols ſōt neceſſarie p̄ faire un Eſtate ē Fee-ſimple, Fee-taile, p̄ terme d̄ vie, ou tiels ſemblables, preter divers auter miſchiefs: Jeo voile p̄ ceo mis ſi aſcuns d̄ ceux Caſes queux ſont pluis common en les bouches de les ignorant homes, & portant p̄ le ſcavient interpretations d̄ les Judges, un large & pluis favourable ſenſe en Volunts, q̄ en Faits.

Et p̄ ceo primerm̄t, ſi un deviſe al J. S. p̄ ſon Volunt touts ſes Terres & Tenem̄ts; icy non ſolement touts ceux Terres que il ad en poſſeſſion paſſont, mes auxy touts ceux q̄ il ad en Reverſion, p̄ vertue de ceux parols, Tenements.

Et ſi Terres ſont deviſe a un hõe a aver a luy imperpetuum, ou aver a luy & ſes Aſſignes ; en ceux deux caſes le Deviſee avera Fee-ſimple. Mes ſi ſoit done p Feoffment en tiel manner, il nad forſque Eſtate p̃ terme d̃ vie.

Auxy ſi un hõe deviſe ſes Terres al auter, p̃ doner, vender, ou faire d̃ ceo a ſon volunt & pleaſure ; ceo eſt Fee-ſimple.

Un Deviſe fait al un & a ſes Heires males fait un Eſtate taile : Mes ſi tiels parolx ſont mis en un Fait del Feoffment, il ſerra priſe p̃ Fee-ſimple, pur ceo que il nappiert de que corps les Heires males ſerra engender.

Si Terres ſont done per Fait al *J. S.* & a les Heires males d̃ ſon corps, &c. que ad iſſue file, que ad iſſue fits, & moruſt ; la le Terre revertera al Donour, & le fits de file navera ceo, pur ceo que il ne poit a luy meſme conveyer per Heires males, car la mere eſt un obſtacle a ceo : Mes autermẽt eſt de tiel *Deviſe*, car la le fitz del file ceo avera, pluſtoſt que le Volunt ſerra void.

Si un Deviſe al Enfant ẽ *ventre matris ſuæ*, ceſt bone Deviſe ; mes autermẽt per Feoffmẽt, Graunt, ou Done ; car en ceux caſes il doit eſtre un del habilitie pur prender maintenant, autermẽt il eſt void. Veies 14 *El. Dy* 304.

And if Lands be deviſed to a Man to have to him forever, or to have to him and his Aſſigns ; in theſe two caſes the Deviſee ſhall have a Fee-ſimple. But if it be given by Feoffment in ſuch manner, he hath but an Eſtate for term of Life.

And if a Man devile his Land to another, to give, ſell, or do therewith at his pleaſure or will ; this is Fee-ſimple.

A Deviſe made to one and to his Heirs males doth make an Eſtate-tail : But if ſuch words be put in a Deed of Feoffment, it ſhall be taken for Fee-ſimple, becauſe it doth not appear of what body the Heirs males ſhall be begotten.

If Lands be given by Deed to J. S. and to the Heirs males of his Body, &c. who hath iſſue a Daughter, who hath iſſue a Son, and dies ; there the Land ſhall return to the Donor, and the Son of the Daughter ſhall not have it, becauſe he cannot convey himſelf by Heirs males, for his Mother is a let thereto : But otherwiſe it is of ſuch a Deviſe, for there the Son of the Daughter ſhall have it, rather than the Will ſhall be void.

If one Deviſe to an Infant in his Mother's Belly it is a good Deviſe ; but otherwiſe by Feoffment, Graunt or Gift ; for in thoſe caſes there ought to be one of ability to take preſently, or otherwiſe it is void. See 14 El. Dy. 304.

A Deviſe made in Fee-ſimple, without expreſs words of Heirs, is good in Fee-ſimple.

But if a Deviſe be made to J. N. he ſhall have the Land but for term of Life; for thoſe words will carry no greater Eſtate.

If one will that his Son J. ſhall have his Land after the death of his Wife; here the Wife of the Deviſor ſhall have the Land firſt for term of Life. So likewiſe if a Man Deviſe his Goods to his Wife, and that after the deceaſe of his Wife, his Son and Heir ſhall have the Houſe where the Goods are; there the Son ſhall not have the Houſe during the life of the Wife: For it doth appear that his intent was, that his Wife ſhould have the Houſe alſo for her Life, notwithſtanding it were not deviſed to her by expreſs words.

If a Deviſe be to J. N. and to the Heirs females of his Body begotten, after the Deviſee hath iſſue a Son and Daughter, and dies; here the Daughter ſhall have the Land, and not the Son, and he is the moſt worthy Perſon, and Heir to his Father: but becauſe the Will of the dead is, that the Daughter ſhould have it, Law and Conſcience will ſo alſo.

And herein the very Heathens were preciſe, as appears by thoſe Verſes of Octavius Auguſtus, which Donatus reports he made after Virgil, at his death gave commandment that his Books ſhould be burnt, becauſe they were imperfect; and yet ſome affirmed that

Un Deviſe fait en Fee-ſimple, ſans expreſſe parols del Heires, eſt bone en Fee-ſimple.

Mes ſi un Deviſe ſoit al *J. N.* il avera les Terres forſque pur terme de vie; car ceux parols ne voilent porter griender Eſtate.

Si un voile que ſon fits *J.* avera ſon Terre puis le mort ſa feme; icy le feme le Deviſor avera le Terre primes pur terme de ſa vie. Iſſint ſi home deviſe ſes biens a ſa feme, & que apres le deceaſe de ſon feme, ſon fits & Heire avera le Meaſon ou les biens ſont; la le fits navera le Meaſon durant le vie de le feme: Car il appiert que ſon intent fuit, que ſa feme doit aver le Meaſon auxy pur ſa vie, nient obſtant il ne fuit deviſe a luy per expreſſe parols.

Si un Deviſe ſoit al *J. N.* & a les Heirer females de ſon corps engendres, apres le Deviſee ad iſſue fits & file, & moruſt; icy le file avera le Terre, & nemy le fits, & uncore il eſt pluis digne Perſon, & Heire al ſon Pere: mes pur ceo q̄ Volunt del mort eſt, que le file doit ceo aver, Ley & Conſcience voet iſſint auxy.

Et en ceſt point les Heathens fuerēt p̄ciſe, cōe appiert p ceux Verſes d *Octavius Auguſtus*, que *Donatus* report il feſoit apres q̄ *Virgil* a ſon mort donoit cōmandemt q̄ ſes Livres doint eſtre combūre, p ceo q̄ ils fuerōt imperfect, & uncor aſcuns pluſ-

dont que ils doint eſtre ſave, come en fait ils happiment fueront ; a que il reſponde iſſint ;

they ſhould be ſaved, as indeed they happily were ; to whom he anſwered thus ;

Sed Legum ſervanda Fides ;
ſuprema voluntas
Quod mandat, fierique jubet,
parere neceſſe eſt.

Let Faith and Law be kept ;
and what laſt Will
Commandeth to be done,
we muſt fulfil.

Devoire.

DEvoire eſt tant adire come Dutie. Ceo eſt uſe en le Statute de 2 *R.* 2. *cap.* 3. ou eſt purview, Que touts Merchants del Weſt, eſteant del amitie le Roy, payera touts manners des Cuſtomes & Subſidies, & auters *Devoires de Calais.* Veies le Stat. 5. *ejuſd. Regis cap.* 2.

Devoire.

DEvoire is as much as to ſay a Duty. It is uſed in the Statute of 2 R. 2. cap. 3. where it is provided, That all the Weſtern Merchants, being of the King's amity, ſhall pay all manner of Cuſtoms and Subſidies, and other Devoires of Caleis. See the Stat. 5. ejuſd. Regis cap. 2.

Devorce.

DEvorce, *Divortium, dictum eſt a Diverſitate mentium, quia in diverſas partes eunt qui diſtrahunt Matrimonium* ; ou auterment del verbe *Diverto,* que ſignifie de returner arere, pur ceo que puis le Devorce parenter le baron & feme, il luy returne arere a ſa pere, ou auter amies, ou al lieu de que il luy priſt.

Et coment que *Devorce* ne unques fuit approve per le Divine Ley, mes al contrarie prohibite, come appiert per ceſt mandat, *Quod Deus conjunxit homo non ſeparet* ; uncore en touts ages & bien diſpoſe Comon-weales il ad eſte uſe & permit : Et iſſint a ceſt jour ove nous la ſont divers cauſes p̄ queux baron & feme poient eſtre devorce, come primerment *cauſa Præcontractus.*

Devorce.

DEvorce or Divorce, Divortium, dictum eſt a Diverſitate mentium, quia in diverſas partes eunt qui diſtrahunt Matrimonium ; or elſe from the verb Diverto, which ſignifies to return back, becauſe after the Devorce between the Husband and Wife, he returns her again to her father, or other friends, or to the place from whence he had her.

And though Devorce was never approved of by the Divine Law, but contrariwiſe prohibited, as appears by this Precept, Let no Man ſeparate that which God hath joyned together ; yet in all ages and well-govern'd Common-wealths it hath been uſed and permitted : As at this day with us there are divers cauſes for which the Husband and Wife may be devorced, as firſt cauſa Præcontractus.

There-

Therefore if a Man Marry with a Woman precontracted, and hath Issue by her, this Issue in Law and in truth bears the surname of his Father: But if after the Husband and Wife be devorced for the Precontract, there the Issue hath lost his surname, and is become a Bastard, and nullius filius. Cok. lib. 6. fol. 66.

Devorce may be causa Frigiditatis: and therefore if a Man be married to a Woman, and after they are devorced causa Frigiditatis, and then the Man takes another Wife, and hath issue by her; yet this Issue is lawful, because that a Man may be habilis & inhabilis diversis temporibus, and by the Devorce causa Frigiditatis the Marriage was dissolved a vinculo Matrimonii, and by consequence either of them might marry again. Cok. lib. 5. fol. 98. b.

Also a Man may be devorced causa Impubertatis, or Minoris ætatis: and in this case if two are married infra annos nubiles, and after full age Devorce is had between them; this dissolves the Marriage, and the Woman may arraign an Assise against the Husband for the Lands or Tenements given with her in Frank-marriage, 19 lib. Assise, Pla. 2. So Devorce may be had causa Professionis, causa consanguinitatis; causa Fornicationis, and for many other Causes, too long to be now recited.

It is requisite that in the sentence of Devorce the Cause thereof be shewed, because some Devorce dissolves the Matrimony, that is to say, a vinculo Matrimonii, Bastards the Issue

Pur ceo si home marrie ove feme *precontract*, & ad Issue per luy, ceſt issue en Ley & en veritie port le surnosme de son pere: mes si puis le Baron & Feme sont devorce pur le Precontract, ore le issue ad perde son surnosme, & est devenus Bastard, & *nullius filius. Cok. lib. 6. fol. 66.*

Devorce poit estre *causa Frigiditatis*, & pur ceo si hõe soit espouse a un fem & puis ils sont devorce *causa Frigiditatis*, & donque le home prist auter feme, & ad issue per luy; uncore ceſt issue est legitimate, pur ceo que home poit estre *habilis & inhabilis diversit temporibus*, & per le Devorce *causa Frigiditatis* le Marriage fuit dissolve *a vinculo Matrimonii*, & per consequence chescun de eux poit marrie arere, *Co. lib. 5. fol. 98. b.*

Auxy ceo poit estr devorce *causa Impubertatis*, ou *Minoris ætatis*: & en ceo case si deux sont espouse *infra annos nubiles*, & apres le pleine age Devorce soit prise inter eux; ceo dissolve l'Espousals, & le fem poit suer un Assise vers le baron pur Terres ou Tenements don ove luy en Frank-marriage, 19 *lib. Assise Pla.* 2. Issint Devorce poit estre *causa Professionis*, *causa Consanguinitatis*, *causa Fornicationis*, & pur plusors auters meistres pluis tedious destre jamms recite.

Covient que en le sentence de *Devorce* le Cause de ceo soit monstre, pur ceo que ascun *Devorce* dissolve le Matrimonie, ceſt adire, *a vinculo Matrimonii*, Bastard le

iſſue, & barre le feme de Dower; & aſcun *a menſa & thoro*, le quel ne diſſolve le Matrimonie, ne barre le feme de Dower, ne baſtard le iſſue.

Devorce eſt Judgment ſpiritual, & pur ceo, ſil ſoit cauſe, covient eſtre reverſe en le Spiritual Court. Veies *Coke, lib. 7. Kenn's Caſe.*

Si feme Copiholder de certeine Terre, *durante viduitate ſua*, ſolonq̄ le Cuſtome del Mannor, emblea le Ter, & devant le ſeverance del Emblements priſt Baron; ore le Seignior avera l'Emblements, & nemy le Baron: Mes ſi Leaſe ſoit fait al Baron & feme durant le Coverture, & le Baron emblea le Terre, & puis ils ſont devorce *cauſa Præcontractus*; le Baron avera les Emblements, & nemy le Leſſor.

and bars the Wife of Dower; and ſome a menſa & thoro, the which diſſolves not the Matrimony, nor bars the Woman of Dower, nor Baſtards the iſſue.

Devorce is a Judgment ſpiritual, and therefore, if there be cauſe, ought to be reverſed in the Spiritual Court. See Coke. lib. 7 Kenne's Caſe.

If a Woman Copiholder of certain Land, durante viduitate ſua, according to the Cuſtom of the Mannor, ſows the Land, and before the ſeverance of the Corn takes a Husband; the Lord ſhall have the Emblements, and not the Husband: But if a Leaſe be made to the Husband and Wife during the Coverture, and the Husband ſows the Land, and afterward they are divorced cauſa Præcontractus; the Husband ſhall have the Emblements, and not the Leſſor.

Dicker.

Dicker eſt un parol uſe en le Statute 1 *Jacobi, cap.* 22. & ſignifie le quantitie des Dize Hides de Cuir. Et ſemble de vener del *Greeke* parol *Decas*, que ſignifie Dize.

Dicker.

Dicker is a word uſed in the Statute of 1 Jacobi, cap. 22. and it ſignifies the quantity of Ten Hides of Leather. And it ſeems to come from the Greek word Decas, which ſignifies Ten.

Dies.

ILS ſont quater ſorts de jours, 1. Naturel, cōe le Ecriture dit le Veſpre & le Matin font le primer jour. 2. Artificial jour, a crepuſculo matutino uſque crepuſculum veſpertinum. 3. Aſtrological jour, ab ortu ſolis ad occaſum. 4. Legal jour, & ceo eſt de deux ſorts, 1. Dies juridicus, & ceux ſont touts jours en Bank, Conti-

Day

There are four ſorts of Days, 1. A Natural, as the Scripture calls the Evening and Morning made the firſt Day. 2. An Artificial Day, from morning light to twilight. 3. An Aſtrological Day, from the Sun's riſing to the Sun's ſetting. 4. A Legal Day, and this of two kinds, 1. Dies juridicus, and ſuch are all days in Bank, Continuance, Days

of

of Eſſoin, and other days given in Term to the Parties in Court. 2. Dies non juridici, as all Sundays in Term, and alſo other particular days, as the Feaſt of Aſcenc. in Eaſter Term; the Feaſt of S. J. Bapt. in Trinity Term; Feaſt of All Saints in Michaelmas Term; Feaſt of Pur. B. Mar. in Hilary Term. See Coke, 2 Inſt. 264.

nuance, Jours de Eſſoin, & auters Jours done en Term a les Parties en Court. 2. Dies non juridici, come touts les Sabbats ē le Term, & auxy divers particular jours, come Feſtum Aſcenc. en Term Paſch. Feſt. Sant. *J. Bapt.* en Term Trin. Feſt. Omn. Sanct. & Omn. Anim. en Term Mich. Feſt. Pur. B. *Mar.* en Term Hil. Veies *Coke* 2 *Inſt.* 264.

Diem clauſit extremum.

DIem clauſit extremum is a Writ that lies where the King's Tenant that holds in Chief, dies; then this Writ ſhall be directed to the Eſcheator, to inquire of what Eſtate he was ſeiſed, who is next Heir, and his age, and of the certainty and value of the Land, and of whom it is holden; and the Inquiſition ſhall be returned into the Chancery, which is commonly called The Office after the death of that Perſon.

And there is another Writ of Diem clauſit extremum awarded out of the Exchequer, after the death of an Accomptant or Debtor of his Majeſty, to levy the Debt of his Heir, Executor, Adminiſtrator's Lands or Goods.

Diem clauſit extremum.

D*Iem clauſit extremum* eſt un Brief que giſt lou le Tenant le Roy que tient en Chief, moruſt; donque ceſt Brief ſerra direct al Eſcheator, d'enquirer de quel Eſtate il fuit ſeiſie, que eſt prochein Heir, & de quel age, & de la certaintie & value del Terre, & de que c̄ eſt tenus; & cel inquiſitiō ſerra returne en le Chancerie, & eſt communemt appel *Le Office apres le mort del tiel Perſon.*

Et eſt auter Brief de *Diem clauſit extremum* agard hors del Exchequer, apres mort del un Accomptant ou Detter al Roy, a levier le Dett de ſon Heire, Executor, Adminiſtrators Teſs ou Biens.

Dies datus.

DIes datus is a Reſpite given to the Tenant or Defendant before the Court. Brook, Tit. Continuance.

Dies datus.

D*Ies datus* eſt un Reſpite done al Tenant ou Defendant devant le Court. *Brook, Tit. Continuance.*

Dieta rationabilis.

D*ieta rationabilis* eſt aſcun foits uſe pur le reaſonable Journey de un jour, come *Bract. lib.* 3. *part.* 2. *cap.* 16. Il ad ẽ le Civile Ley auters anterpretations, q̃ ne beſoigne deſtre cy inſert. Veies *Vocabul. utriuſque Juris.*

Dieta rationabilis.

Dieta rationabilis is ſometimes uſed for a reaſonable Day's Journey, as Bract. lib. 3. part 2. cap. 16. It hath in the Civil Law other ſignifications, which need not be here mentioned. See Vocabul. utriuſque Juris.

Dieu ſon act.

D*ieu ſon act*, ceux ſont parols pluſors foits uſe ẽ noſtre Ley, & la eſt un Maxime, Que le Act d̃ Dieu ſerra prejudice a nulluy: Et p̃ ceo ſi Meaſon eſchuiſt p̃ Tempeſt, ou auter Act d̃ Dieu, le Leſſee p̃ vie ou p̃ ans non ſolem̃t ſerra quit en Action d̃ Waſte port vers luy, mes ad p̃ le Ley un ſpecial intereſt a prender le meriſme p̃ edifier le Meaſon arere, ſil voit, p̃ ſon habitat'. *Cok. lib.* 4. 63. & *lib.* 11. 82. *a.*

En meſm̃ le mañer, quant le Condition dun Obligation eſtoya ſur deux parts ẽ le disjunctive, & ambideux ſont poſſible al temps del Obligation fait, & puis lun de eux deveigne impoſſible per le Act de Dieu; le Obligor neſt tenus a performer l'auter part, car le Condition ſerra priſe beneficialment pur luy. *Coke lib.* 5. 22.

Dieu ſon act.

Dieu ſon act, theſe are words oftentimes uſed in our Law, and it is a Maxim, That the act of God ſhall prejudice no Man: And therefore if a Houſe fall down by Tempeſt, or other Act of God, the Leſſee for Life or Years ſhall not only be quit in an Action of Waſte brought againſt him, but hath by the Law a ſpecial intereſt to take Timber to build the Houſe again, if he will, for his habitation. Cok. lib. 4. 63. & lib. 11. 82. a.

In like manner, when the Condition of an Obligation conſiſts of two parts in the disjunctive, and both are poſſible at the time of the Obligation made, and afterwards one of them becomes impoſſible by the Act of God; the Obligor is not bound to perform the other part, for the Condition ſhall be taken beneficially for him. Coke lib. 5. 22.

Dignity Eccleſiaſtical.

DIgnity Eccleſiaſtical is a Phraſe of Speech uſed in the Statute of 26 Hen. 8. cap. 3. and by the Canoniſts is defined to be Adminiſtration conjoyned with power and Juriſdiction.

Dignitie Eccleſiaſtical.

DIgnitie Eccleſiaſtical eſt un Phraſe de Parlance uſe en le Statute de 26 *Hen. cap.* 3. & per les Canoniſts eſt define deſtre *Adminiſtratio cum Juriſdictione & poteſtate aliqua conjuncta.*

Diminution.

IS when the Plaintiff or Defendant in a Writ of Error alledges to the Court, that part of the Record remains in the Inferiour Court not certifyed, and prays that it be certifyed by Certiorari, Co. Ent. 232. 242. 1 Cr. John verſus Thomas. 2 Cro. 479. 131. Rolls Abridg. 765. 20.

Diminution.

EST quant le Plaintiff ou Defendant en un brief de Error allege al Court que part del Record remain en le Inferiour Court nient certifie, & prie que ceo ſerra certifie per *Certiorari*, *Co. Ent.* 232, 242. 1 *Cro. John verſus Thomas*, 2 *Cro.* 479, 131. *Rolls Abridg.* 765, 20.

Dioceſs.

DIoceſs is the Circuit of the Juriſdiction of every Biſhop: For this Realm hath two kinds of Diviſions; the one in Shires or Counties, in reſpect of the Temporal Policy; the other in Dioceſſes, in reſpect of the Eccleſiaſtical Juriſdiction.

Dioceſſe.

DIoceſſe eſt le Circuit del Juriſdiction de cheſcun Eveſque: Car ceſt Royalme ad deux ſorts de Diviſions, le un en Shires ou Counties, en reſpect del Temporal Policy; le aut' en Dioceſſes, en reſpect del Juriſdiction Eccleſiaſtical.

Diſability.

DIſability is, when a Man by any Act or Thing, by himſelf or his Anceſtor done or committed, or for or by any other cauſe, is diſabled or made incapable to do, inherit, or take benefit or advantage of a thing, which otherwiſe he might have had or done.

Diſabilitie.

DIſabilitie eſt, quant home per aſcun choſe ou act per luy m̃ ou ſon anceſtor fait ou commit, ou per aſcun aut' cauſe, eſt *diſable* ou fait incapable a faire, de inheriter, ou de prender benefit ou advantage de un choſe, que auterment il puit aver done ou fait.

La

La ſont pluſors choſes per queux home poit eſtre diſable ; & ceux ſont communement ou p le act del Partie, ou ſon Anceſtor, ou p l'act del Ley, ou de Dieu.

Diſabilitie per act del Anceſtor ; come ſi home ſoit attaint de Treaſon ou Felonie per ceſt Attainder ſon ſangue eſt corrupt, & p ceo luy meſme & ſes iſſues diſable de inherit.

Diſabilitie per le act del Partie meſme ; come ſi un home fait Feoffment al aut' home que adonque eſt ſole, ſur condition, que il enfeoffer un tierce home devant *M.* & devant *M.* ou le Feoffment fait, le Feoffee priſt feme ; il ad per ceo luy diſable de performer le Condition accordant al truſt en luy repoſe, & pur ceo le Feoffor poit enter, & luy ouſta, come eſt *Lit. ſect.* 357. Iſſint ſi le Feoffee charge le Terre, ou enter en Statute-Staple ou Statute-Merchant ; per ceux acts il ad luy meſm diſable, & le Feoffor pur ceo poit enter, come en le prim caſe. Iſſint ſi jeo moy oblige, que ſur Surrender de un Leaſe jeo voile faire un novel Eſtate al Leſſee, & puis jeo granta ouſter mon Reverſion ; en ceo caſe, coment que jeo en apres ceo repurchaſe, & acquire tout le Reverſion a moy arere, uncore jeo aye forfeit mon Oblgation, pur ceo que jeo fuy un foits diſable de performe. *Coke lib.* 5. *fol.* 21. Aux' ſi home ſoit excommenge, il ne poit durāt ceo tēps ſuer aſc Action, mes ſerra per ceo

There are many things by which a man may be diſabled ; and thoſe are ordinarily either by the act of the Party, or his Anceſtor, or by the act of the Law, or of God.

Diſability by the Act of the Anceſtor ; as if a man be attainted of Treaſon or Felony, by this Attainder his Blood is corrupt, and thereby himſelf and his Children diſabled to inherit.

Diſability by the Act of the Party himſelf ; as if a Man makes a Feoffment to another Man that then is ſole, upon condition, that he ſhall infeoff a third Man before M. and before M. or the Feoffment made, the Feoffee takes a Wife ; he hath by that diſabled himſelf to perform the Condition according to the truſt in him repoſed, and therefore the Feoffor may enter and out him, as it is Lit. ſect. 35 So if the Feoffee charges the Land, or enters into a Statute-Staple or Statute-Merchant ; by theſe acts he hath diſabled himſelf, and therefore the Feoffor may ente as in the former caſe. So I bind my ſelf, that upo Surrender of a Leaſe I wi grant a new Eſtate to th Leſſee, and afterwards grant over my Reverſion In this caſe, though I a terwards repurchaſe, and g the whole Reverſion to me gain, yet I have forfeit my Obligation, becauſe was once diſabled to perfo it. Co. lib. 5. fol. 21. Indi Man be excommunicated, cannot during that time any Action, but ſhall be the by diſabled, Coke, lib. 8.

. and ſo in many others ſes.

Diſability by act of Law is, oſt properly, when a Man the ſole act of Law, with- t any former thing by him ne, is diſabled; and ſo is an lien born. And therefore, if Man born out of the Lige- ce of our Lord the King ill ſus any Action, the Te- nt or Defendant may ſay, at he was born in ſuch a ountry forth of the Kings geance, and demand Judg- ent if he ſhall be anſwer- ; for the Law is our Birth- ght, to which an Alien is llateral and a ſtranger, and refore diſabled to take any nefit thereby.

By the Act of God, as not to of whole Memory is a Diſ- ility in ſome caſes, and in hers not; for which it ſeems is difference may be taken: hat in all Caſes where a an of no whole Memory bes or paſſes any thing or ſtate out of him, this after s death may be diſannuled d avoided; but where a Man on ſanæ memoriæ doth a thing hereby nothing paſſes out of m, there he may in ſome ial Caſes be bound: As if be Leſſee for years, rendring nt, and the Leſſor grants Reverſion; there the Leſſee n ſanæ memoriæ cannot make ttornment, for he that is a- ens, or without mind, cannot ke Attornment, which is greement; and yet in ſuch e if the Leſſor ejects him, d makes a Feoffment, and erwards the Leſſee non ſanæ emoriæ re-enters, this act of diſable, *Co. lib.* 8. *fol.* 69. & iſſint en pluſors auters Caſes.

Diſabilitie per act del Ley eſt, pluis properm̃t, quāt hõe per le ſole act del Ley, ſans aſcun original ou prim̃ choſe per luy fait, eſt diſable; & iſſint eſt Alien nee. Et pur ceo, ſi home nee hors de la liegeance de noſtre Seignior le Roy voile ſuer aſcun Action, le Tenant ou Defendaint poit dire, que il fuit nee en tiel Pays hors de la allegeance le Roy, & demād Judgment ſil ſerra reſpondue; car le Ley eſt nr̃e Birthright, a que un Alien eſt collateral & eſtrang', & p̃ ceo diſable pur prender aſcun benefit per ceo.

Per le Act de Dieu; come deſtre *Non compos mentis* eſt un Diſabilitie en aſcun caſes, & en aſcun nemy; pur que ſemble que ceſt difference poit eſtr̃ priſe: que en touts caſes un home *non compos mentis* done ou paſſe aſcun choſe ou Eſtates hors de luy, ceo poit apres ſon mort eſtr̃ anient & fait void; mes ou home *non ſane memoriæ* fait un choſe p̃ que riens paſſe hors de luy, la il poit en aſcuns eſpecial caſes eſtr̃ lie: cõe ſi il ſoit Leſſee p̃ ans, rendāt Rent, & le Leſſor grāta le Reverſiõ; ore le Leſſee *non compos mentis* ne poit fair̃ Attorñment, car ceſtuy que eſt *amens*, ou ſans ment, ne poit faire Attornement, que eſt Agreement; & uncore en tiel caſe ſi le Leſſor eject luy, & fait Feoffment, & puis le Leſſee *non ſane memoriæ* Re-enter ceſt act de

Re-

Re-entrie ſubject luy meſme al Diſtreſſe & Action de Waſte.

Et il eſt un Maxim̃ en la Ley, Que home de plein age ne unques ſerra receive a diſabler ſon perſon demeſne. Et ceſt incapacitie a diſabler luy meſme, quant al aſcun perſons eſt perſonal, & extend ſolement al partie meſme; & quant al aut's neſt perſonal, mes liera eux auxy.

Sont quater manner de privities: *ſcil.* Privies en Sanke, come Heir; Privies en Repreſentation, come Executors ou Adminiſtrators; Privies en Eſtate, come Donee en tail, le Reverſion ou Remainder en fee, &c. & Privies en Tenure, come Sñr & Tenant: & deux de ceux poient diſabler le perſon del mort, que ne fuit *compos mentis*, ou, &c. & avoidera ſes Grants ou Feoffments, & deux nemy. Car Privies en Sanke poient monſtre le Diſabilitie del Anceſtor, & Privies en Repreſentation le Infirmitie de lour Teſtator ou Inteſtate; mes neque Privie en Eſtate neque Privie en Tenure ceo ſerra, *Co. lib.* 5. *fol.* 123, 124. Veies *Lit. Sect.* 405. and *Co. lib.* 8. *fol.* 43.

Diſalt.

D*Iſalt* ſignifie auxy mult come Diſable. *Littleton cap. Diſcontinuance.*

Re-entry doth ſubject him t the Diſtreſs and Action Waſte.

And it is a Maxim i Law, That a Man of full Ag ſhall never be received to di able his own Perſon. An this incapacity to diſab himſelf, as to ſome Perſon is perſonal, and extends onl to the Party himſelf; an as to others it is not pe ſonal, but ſhall bind the alſo.

There are four manner Privities: ſcil. Privi in Blood, as Heir; Privi in Repreſentation, as Ex cutors or Adminiſtrators Privies in Eſtate, as Don in Tail, the Reverſion Remainder in Fee, &c. a Privies in Tenure, as t Lord and Tenant: And th of theſe may diſable the pe ſon of the dead, which w non ſanæ memoriæ, or, &c. a ſhall avoid his Grants Feoffments, and two of the not. For Privies in Bl may ſhew the Diſability the Anceſtor, and Priv in Repreſentation the Inf mity of their Teſtator Inteſtate; but neither P by in Eſtate, nor Pri in Tenure can ſo do, Co. 4. fol. 123, 124. See Littlet Sect. 405. and Co. lib. 8. 43.

Diſalt.

DIſalt ſignifies as much as Diſable. Littleton cap. D continuance.

Diſc

Diſceit.

Diſceit is a Writ, ſometime Original, and ſometime Judicial. When it is Original, it lies where any Diſceit is done to a Man by another, by the performance of a Bargain or Promiſe, then he that is in ſuch manner deceived ſhall have this Writ.

When it is Judicial, it lies where a Scire facias is ſued out of any Record againſt a Man, and the Sheriff returns that he is warned, where he was not; or a Præcipe quod reddat, or a Plea of Lands, or a Quare Impedit, of the Preſenting to a Church, is ſued againſt one, and the Sheriff returns that the Defendant is ſummoned, where he was not; by which Diſceit and falſe Return the Demandant or Plaintiff recovers: Then the Partie grieved ſhall have this Writ againſt him that recovered, and againſt the Summoners, and againſt the Sheriff; and the Writ ſhall be directed to the Coroners of the ſame County, if he continue Sheriff that made the Return.

So if a Man makes an Attorney in an Action real brought againſt him, and afterwards it is agreed by Diſceit between the Demandant and the ſaid Attorney, that the ſaid Attorney ſhall make Default, who doth ſo accordingly, whereby the Tenant loſes his Land; then the ſame Tenant that loſes the Land may have a Writ of Diſceit againſt the Attorney.

Diſceit.

Diſceit eſt un Brief, aſcun foits Original, & aſcun foits Judicial. Quant il eſt *Original*, giſt lou aſcun Diſceit eſt fait a aſcun home per un aut' per non performance dun Bargain ou Promiſe, donques celuy que eſt en tiel manner diſceive avera ceſt Brief.

Quant il eſt *Judicial*, il giſt ou *Scire facias* eſt ſue hors de aſcun Record vers un, & le Viſcount returne que il eſt garnie, ou il ne fuit garnie; ou lou un *Præcipe quod reddat*, de Plee de Tres, ou *Quare Impedit*, del Preſentment al Eſgliſe, eſt ſue vers un, & le Viſcount returne que le Defendant eſt ſummon, lou il ne fuit; per quel *Diſceit* & faux Returne le Demandant ou Plaintiffe recover: Donques le Partie greeve avera ceſt Brief vers luy que recovera, & vers les Summoners & vers le Viſcount: & le Brief ſerra direct al Coroners de Meſme le Countie, ſi il continue Viſcount que fiſt le Returne.

Iſſint ſi home fait Attorney en un Action real port vers luy, & puis eſt agree per Covin perenter le Demaundant & le dit Attorney, que l' Attorney fayera Default, que iſſint fait accordant, per que le Tenant perde ſon Tre; donque meſme le Tenant que perda le Terre poit aver un *Brief de Diſceit* envers l'Attorney.

Auxy ſi home port Action d Treſpaſs vers deux auters, & le Plaintiff & un Attorney per Covin cauſant deux Eſtrangers, nient Parties al Bꝛe, a vener en le Court, & dire que ils ſont meſme les deux Defendants noſme en le Brief, & que ils deſigne meſme le home deſtre lour Attorney en cel Suit, ſur que meſme le Attorney, come Attorney al Defendãts noſme en le Bꝛe, pledont al Iſſue, & puis ſuffer l'Enqueſt a paſſer per ſon Default, per quel means le Plaintife recover: En ceſt caſe ceux que ſont voyerm̃t Defendants poyẽt aver un Bꝛe de *Diſceit* envers meſme le Attorney, & recuperont lour Damage. *Fitz. Nat. Brev.* 96.

Et ſicome le Ley punie ſon Officers, come Sergeants, Pleadors, Philiſers, Exigenters, Attornies, & aut's; Iſſint il reject & dampne touts acts del pluis grand importance, ſils ſont enterlayſe ove Diſceit & fauxitie, Cõe ſi un Fine ſoit levie per *Diſceit*, & cinq̃ ans paſſe; per le Stat. de 4 *H.* 7. *c.* 24 touts perſons & lour droits ſerront per ceo barre: uncore pur ceo que fuit per Diſceit, le Fine ſerra avoide, come eſt adjudge en *Co. lib.* 3. *fol.* 77. En meſme le manner, ſi un recover Terre per Diſceit, le Recoverie pur ceo ſerra anient & fait void, 3 *Ed.* 3. 28 Iſſint ſi feme, q̃ ad boñ cauſe deſtr̃ endow, voile per Diſceit aver l'Teñt deſtr̃ diſſeiſie, & puis recover ſa Dower per Bꝛe de Dower envers le Diſſeiſor;

Alſo if a Man brings an Action of Treſpaſs againſt two others, and the Plaintiff an an Attorney by Diſceit, cauſ two Strangers, not Partie to the Writ, to come int Court, and ſay that they a the ſame two Defendants na med in the Writ, and that the appoint the ſame Man to b their Attorney in that Suit whereupon the ſame Attorney as Attorney to the Defendant named in the Writ, pleads t the Iſſue, and after ſuffer the Enqueſt to paſs by hi Default, by which means th Plaintiff recovers: In thi caſe thoſe that are indeed D fendants may have a Writ o Deſceit againſt the ſame A torney, and ſhall recover thei Damages. Fitzh. Nat. Bre 96.

And as the Law puniſh her Officers, as Serjeants Pleaders, Philizers, Exige ters, Attornies, and others ſo ſhe renounces and condemn all Acts of greateſt impo tance, if they be intermi with Diſceit and Falſhood As if a Fine be levied b Diſceit, and Five years paſt by the Statute of 4 Hen. cap. 24. all Perſons and the Rights ſhall be barred ther by: Yet for that it was b Diſceit, the Fine ſhall avoided, as is adjudged Cok. lib. 3. fol. 77. In the ſa manner, if one recover La by Diſceit, the Recovery this ſhall be fruſtrated a made void, 3 Ed. 3. 28. So a Woman, that hath good ca to be endowed, will by Diſc have the Tenant to be diſſeiſ and after recovers her Dow by a Writ of Dower again

the Diſſeiſor; yet ſhe ſhall be adjudged in poſſeſſion againſt the Diſſeiſee but as a Diſſeiſoreſſe, in reſpect of the Diſceit. Co. lib. 5. fol. 35.

There is another manner of Writ of Diſceit, where Land which is ancient Demeſne, is impleaded by the King's Writ at Weſtminſter, Then the Lord of the Mannor may have this Writ, and reverſe all the former Proceedings, and Judgment, as it appears, Raſt. Ent. 100, 221. 2 R. 3. 1. & 11 Hen. 4. 36.

uncore il ſerra adjudge en poſſeſſion envers le Diſſeiſee forſque come un Diſſeiſoreſſe, en reſpect del Diſceit. *Co lib 5. fol. 35.*

Et eſt auter manner de Bre de *Diſceit*, ou Terre que eſt *ancient Demeſn* eſt implede per Bre del Roy al *Weſtminſt.* donque le Seignior del Mannor avera ceo Bre & reverſe touts les form Proceedings & Judgment come appiert, *Raſt. Entr.* 100, & 221. 2 *R.* 3. 1. 11 *Hen.* 4. 36.

Diſcent.

DIſcent or Deſcent is in two ſorts, either Lineal or Collateral. Lineal Diſcent is, when a Diſcent is conveyed in the ſame Line of the whole Blood; as Grandfather, Father, Son, Sons Son, and ſo downward.

Collateral Deſcent is out in another Branch drawn from above of the whole Blood, as Grandfathers Brother, Fathers Brother, and ſo downward.

Note, That if one die ſeiſed in Fee or in Tail of Land in which another hath Right to Enter, and that deſcends to his Heir, ſuch Deſcent ſhall take away the Entry of him who hath Right to Enter, for that the Heir hath it by Deſcent from his Father, and ſo by Act of Law; and he that hath Right cannot put him out by entring upon him, but is put to Sue his Writ, to demand the Land according to the nature of his Title. See hereof in *Litt.* lib. 3 cap. 8. and Stat. 32 Hen. 8. cap. 33.

Diſcent.

DIſcent eſt en deux ſorts, ou Lineal ou Collateral. *Lineal Diſcent* eſt, quant le Diſcent eſt convey en meſme le Line de entire Sanke; come ayel, pere, fits, fits del fits, & iſſint debaſſa.

Collateral Diſcent eſt dehors en un auter Branch dehault dentier ſangue; come la frere del ayel, frere del pere, & iſſint debaſſa.

Nota, que ſi un devie ſeiſie en fee ou en Taile de Terre en que aut' ad droit de ent', & ceo deſcend a ſon Heire, tiel Diſcent tollera le Entrie de ceſtuy que droit avoit de enter, pur ceo que le Heire ad ceux per le Diſcent de ſon pere, & iſſint per act de Ley; & ceſtuy que droit ad ne puit luy ouſter per entrie ſur luy, mes eſt miſe de ſuer ſon Bre, a demander le Terre ſolonque le nature de ſon Title. Veies de ceu *Litt.* 3. *cap.* 6. & *ſtat.* 32 *Hen.* 8. *ca.* 33.

Disclaimer.

Disclaimer eſt, lou le Seignior diſtreine ſon Tenant, & il ſua Replevin, & le Seignior avowa le priſel, per reaſon que il tient de luy; ſi le Tenant dit, que il *diſclaime* de teñ de luy, ceſt appelle un *Diſclaimer*, & ſi le Sñr ſur ceo port Brief de Droit *ſur Diſclaimer*, & il ſoit trove encounter le Tenant, il perdra le Terre. Auxy ſi un port un *Præcipe* vers deux auters pur Terre, & le Tenant diſclaime, & dit que il neſt de ceo Tenant, ne claime rien en ceo; donques lauter avera tout le Terre. Mes ſi le *Præcipe* ſoit envers un ſole, & il diſclaime, come avant eſt dit, le Brief abatera; uncore le Demandant poit enter en le Terre, & ceo tener en ſon droitural Eſtate, comment ſon Entrie ne fuit loyal.

Et apres que le Tenant en un Action port vers luy diſclaime, il navera Brief de Error encount' ſon Diſclaimer, pur ceo que per ſon Diſclaimer il ad barre luy meſme del droit del Terre; car les parols del Diſclaimer ſont, *Nihil habet, nec habere clamat in Terra illa, nec die impetrationis Brevis Originalis prædict.e, &c. habuit ſive clamavit, ſ.d aliquid in Terra illa habere deadvocat & Diſclamat*: Et encounter ceo il navera Reſtitution per Brief de Error. Veies *Cok. lib.* 8. *fol.* 62.

Diſclaimer.

Diſclaimer is, where the Lord diſtrains his Tenant, and he Sues a Replevin, and the Lord avows the taking, by reaſon he holds of him; if the Tenant ſay, that he Diſclaims to hold of him, this is called a Diſclaimer; and if the Lord thereupon bring a Writ of Right ſur Diſclaimer, and it be found againſt the Tenant, he ſhall loſe his Land. Alſo if one brings a Præcipe againſt two others for the Land, and the Tenant diſclaims, and ſaith that he is not thereof Tenant, nor claims any thing therein; then the other ſhall have the whole Land: But if the Præcipe be brought againſt one alone, and he diſclaims, as aforeſaid, the Writ ſhall abate; yet the Demandant may enter in the Land, and hold it in his rightful Eſtate, though his Entry was not lawful.

And after the Tenant in an Action brought againſt him diſclaims, he ſhall not have a Writ of Error againſt his own Diſclaimer, becauſe by it he hath barred himſelf of his right to the Land; for the words of the Diſclaimer are, He hath nothing neither claims he to have in the Land, neither at the day of the bringing of the Original Writ aforeſaid, &c. had or claimed, but any thing in the ſame Land to have he diſavows and Diſclaims: And againſt this he ſhall not have Reſtitution by a Writ of Error. See Cok. lib 8. fol. 62.

So if a Lord, in case where he may, disclaims his Seigniory in Court of Record, his Seigniory by this is extinct, and the Tenant shall hold of the Lord next above him that so disclaimrd, Lit. sect. 146.

If Lands be given to the Husband and Wife in Tail or in Fee, and the Husband dies, the Wife cannot devest the Freehold out of her by any verbal Wager or Disclaimer in the Countrey: As if before any Entry made by her she saith, that she altogether waves and disclaims the said Estate, and will never take nor accept thereof; yet the Freehold remains in her, and she may enter when she pleases. So a Charter of Feoffment was made to four, and Seisin was delivered to three in the name of all, and after the Seisin was delivered, the fourth coming sees the Deed, and saith by word that he will have nothing of the Land, nor agree to the Deed, but disclaims: And it was adjudged, that this Disclaimer by word in the Countrey shall not devest the Freehold out of him, Cok. lib. 3. fol. 26.

Discontinuance.

Discontinuance is, when a Man Aliens to another Lands or Tenements, and dies, and another hath right to the same Lands, and may not enter into them because of this Alienation: As if an Abbot alien the Lands of his House to another in Fee; Fee-tail; or for

Issint si un Sūr, en case ou il poit, disclaim son Sūrie en Court de Record, son Sūrie per ceo est extinct, & le Tenant tiēdera del Sūr prochein paramount cestuy que issint disclaim. *Lit. sect.* 146.

Si Terres sont doñ al barō & feme en taile ou ē fee, & le baron moruſt, la le feme ne poit devest le Frank-Tenements hors de luy per ascun verbal Waver ou Disclaimer en Pais: Come si devant ascun Entrie fait per luy el dit, que el ousterment waive & disclaime dit Estate, & ne unques voile prender ou accepter de ceo; uncore le Frank-Tenement remaine en luy, & el poit ent' quant a luy pleist. Issint un Charter de Feoffmt fuit fait a quarter, & Seisin fuit deliver a trois en nosme de touts, & apres le Seisin fuit deliver, le quater veignāt view le Fait, & dit per parol que il voile aver riens del Terre, ne agrea al Fait, mes disclaima: Et fuit adjudge, que cest Disclaimer per parol en Pais ne devestrea le Frank-Tenement hors de luy. *Cok. lib.* 3. *fol.* 26.

Discontinuance.

Discontinuance est, quant un home alien a un auter Terres ou Tenements, & moruſt, & un auter ad droit a mesme les Terres, & ne puit enter en eux per cause de cel Aliēnation; si come un Abbot alien les Terres de son Meason a un auter en Fee, Fee-

taile, ou pur vie, ou ſi un hõe alien les Terres que il ad en droit ſa feme, ou ſi Tenant en taile fait, de les Terres done a luy & a ſes Heires de ſon corps, aſcun Feoffment, Doñ en taile, ou Leas pur vie, nient garrant per Statute 32 *Hen.* 8. per Fine ou Liverie de ſeiſin; donque tiels alienations ſont appel' *Diſcontinuances*, car tiels Eſtates paſſont touts foits per Liverie & ſeiſin: En ceux Caſes les Succeſſors del Abbe, ne la feme apres le mort ſa baron, ne le iſſue en le taile apres le mort le Tenant en le taile, & ceux en Remainder ou Reverſion puis le fine del Eſtate taile, ne poient enter, mes cheſcun de eux eſt miſe a ſon Action.

Et ſicome la eſt *Diſcontinuance de Poſſeſſion*, come eſt dit avant; iſſint auxy la eſt *Diſcontinue de Proceſſe ou Plee*; & ceo eſt quant le inſtant eſt perde, & ne poit eſtre priſe arere, mes per novel Brief a commencer le Suit a novel; car deſtre *diſcontinuance* & deſtre mis *ſans jour* eſt tout un, & nient auterment que deſtre finalment diſmiſſe le Court de cel inſtant. *Weſt. part* 2. *tit. Fines, ſect.* 115. Iſſint *Crompton*, en ſon *Juriſdictions*, *fol.* 131. ceo uſe en ceux parolx; *Si un Juſtice-ſeat ſoit* diſcontinue *per le nient vener des Juſtices, le Roy poit c'renuer per ſon Brief.*

Auxy ſi les Juſtices de aſcun Court ne viendront al jour & lieu appoint, donque le Cauſe ſerra *diſ-*

life, or if a Man alien the Lands that he hath in Right of his Wife, or if Tenant in tail makes, of the Lands given to him and the Heirs of his Body, any Feoffment, Gift in Tail, or Leaſe for Life, not warranted by the Statute of 32 Hen. 8. by Fine or Livery of ſeiſin; then ſuch Alienations are called Diſcontinuances, for ſuch Eſtates paſs away by Livery and ſeiſin: In theſe caſes the Succeſſors of the Abbot, or the Woman after the death of her Husband, or the Iſſue in tail after the death of the Tenant in tail, and they that have any Remainder or Reverſion after the end of the Eſtate-tail, may not enter, but every of them is put to his Action.

And as there is Diſcontinuance of Poſſeſſion, as is ſaid before; ſo alſo is there Diſcontinuance of Proceſs or Plea: And this is when the inſtant is loſt, and may not be regained, but by a new Writ to begin the Suit afreſh; for to be diſcontinued and to be put without day is all one, and nothing elſe but finally to be diſmiſſed the Court for that time. Weſt part. 2. tit. Fines, ſect. 115. So Crompton, in his Juriſdictions, fol. 131. uſes it in theſe words If a Juſtice-ſeat be diſcontinued by the not coming of the Juſtices, the King may renew by his Writ.

And if the Juſtices of any Court do not meet at the day and place appointed then the Cauſe ſhall be di-

continued unto another day; as in Cok lib. 1 fol. 38. So if a Man hath an Action in the Court of the Marshalsea, and the King removes forth of the Vierge, the Pleas shall be discontinued, Cok. lib. 10. fol. 73.

See more hereof in Littleton lib. 3. cap. 11. and 32 Hen. 8. cap. 28. which takes away Discontinuances by the Husband seised in right of his Wife.

Disgrading.

Disgrading, or Degrading, is when a Man having taken upon him a Dignity temporal or spiritual, is afterwards thereof deprived, be he Knight, Clerk or other. Whereof if a Clerk be delivered to his Ordinary, and cannot clear himself of the Offence whereof he is convicted by the Jury, he shall be disgraded for it; which is nothing else but the Deprivation of him from those Orders he hath taken upon him, as Priesthood, Deaconship, or otherwise. Stamf. Pl. Cor. fol. 130, 138.

In like manner there is Disgrading of a Knight, as is aforesaid. See Stow Annal. pag. 685. And it is worthy the observation, that by the Canon Law there are two kinds of Disgradings; the one summary, by word only, and the other solemn, by Divesting the party disgraded from those Ornaments and Rites which are the Ensigns of his Order or Degree. See 4 E. 4. 19, 20.

continue tanque al aut' jour; come est en *Cok. lib. 1. fol. 38.* Issint si home ad un Action en le Court del Marshalsea, & le Roy remove hors del Vierge, les Pleas serront *discontinue*, *Cok. lib. 10. fol. 37.*

Veies pluis de ceo en *Littleton lib. 3. cap. 11.* & *32 Hen. 8. cap. 28.* que tolle *Discontinuance* per baron seisé en droit son feme.

Disgrading.

Disgrading est, quant un hom̃ ayant prise sur luy un Dignity temporal ou Ecclesiastical, est enap̃ de ceo deprive, soit il Chivaler, Clerk, ou auter home. Pur que si un Clerk soit deliver a son Ordinarie, & ne poit acquit' luy mesme de Peche de que il fuit convict per le Jurie, il serra pur ceo disgraded; que riens aut' est forsque le Deprivation de luy de ceux Orders que il ad sur luy prise, com̃ Priesthood, Deaconship, ou auterment. *Stanf. Pla. Co. fol. 130, 138.*

Et en mesme le man̄ la est *Disgrading* un Chivaler, come est avantdit. Veies *Stow, Annal. pag. 685.* Et est digne le observation, q̃ p̃ le Canon ley la sonts deux sorts de *Disgradings*; l'un summarie, p̃ parol solem̃t, & laut' solem̃ per Devestant le partie disgrade de ceux Ornaments & Rites que sont les Ensignes d' son Order ou Degree. Veies *4 E. 4. 19 20.*

Dismes.

Dismes ſont les Diſme parts de aſcun choſe, mes properment de ceux choſes que encreaſe, queux pur le pluis part perteign̄ al Miniſters de Eſgile pur lour maintenance; & ils ſont divides en 3 ſorts, noſmement, *Predial, Perſonal, & mixt. Predial Diſmes* ſont Diſmes que ſont paid de choſes queux vient de le Terr̄ ſolement; come Blees, Fene, Fruits del arbres, & tiels ſemblables.

Perſonal Diſmes ſont les Diſmes que ſont paid de tiels profits que veign̄ per le Labor & induſtry del perſon de un home; come per Emption & Vendition, gain de Merchandiſe, & de Manuel-crafts homes, Laborers, & tiels que labor pur ſalary, come Carpenters, Maſons, & tiels ſemblables.

Mixt Diſmes ſont les Diſmes de Vitels, Agnes, Porcels, & tiels ſemblables, que encreaſe partment del Terre ſur que ils ſont depaſture, & partment del garding, induſtry & diligence del Owner. Veies Stat. de 3 *W. & M. cap.* 3. 7 *&* 8 *W.* 3. *cap.* 6. *&* 11 *&* 12 *W.* 3 *cap.* 16.

Tythe.

Tythes are the Tenth parts of any thing, but properly of thoſe things that increaſe, which for the moſt part belong to Miniſters of the Church for their Maintenance; and they are of three ſorts, to wit, Predial, Perſonal, and mixt. Predial Tythes are Tythes that are paid of things that come of the Ground only; as Corn, Hay, Fruits of Trees, and ſuch like.

Perſonal Tythes are Tythes paid of ſuch Profits as come by the Labour and Induſtry of a Mans perſon; as by Buying and Selling, gains of Merchandiſe, and of Handicrafts Men, Labourers, and ſuch as Work for Hire, as Carpenters, Maſons, and ſuch like.

Mixt Tythes are Tythes of Calves, Lambs, Pigs, and ſuch like, that increaſe partly of the Ground they are fed upon, and partly of the keeping, induſtry and diligence of the Owner. See the Statutes of 3 W. & M. cap. 3. 7 & 8 W. 3. cap. 6. & 11 & 12 W. 3 cap. 16.

Diſparagment.

Diſparagement eſt un Hõte, Diſgrace, ou Villanie fait per le Gardeine ẽ Chivalrie a ſon Gard deins age, per reaſon de ſon Marriage.

Come quãt l'Gardein marrie ſon Ward deins age đ xvi. ans, & deins tiel temps q̄ il ne poit conſent al marriage, al un Neiſe, ou al file đ un q̄ đmurt ẽ un Borough, q̄ eſt đſtre entend tiels queux peres

Diſparagement.

Diſparagement is a Shame Diſgrace, or Villany don by the Gardian in Chivalry t his Ward within age, in poin of his Marriage.

As when the Gardian marrie his Ward within age of fourtee years, and within ſuch time a he cannot conſent to marriage, a bond-woman; or to the daug ter of one that dwels in a Bo rough

rough, (which is to be understood such whose fathers profess Handicrafts, and those baser arts of buying and selling to get their living) or to one that is lame, or defor'm'd, or hath some horrible disease, as the Leprosie, French-Pox, Falling-sickness, or such like; or marries him to a woman that is past Child-bearing, and divers such other; then, upon complaint made by the friends of such heir, the Lord or gardian shall lose the Wardship, and the profits during the nonage of the heir, for the disparagement done him. See Lit. lib. 2. cap. 4.

Disseisin.

DIsseisin is when a man enters into any Lands or Tenements where his Entry is not lawful, and puts him out that hath the Freehold.

Disseisor and Disseisee.

DIsseisor is he who puts a Man out of his Land without order of Law.

But the King cannot be said to be a Disseisor; and with this is a note in 1 E. 5. f. 8. that it was held, the King could not be termed one that did wrong, for if one will disseise another to the use of the King, where the King hath no right, the King cannot be said a Disseisor.

Disseisee is he that is put out of his Land; and if such Disseisee levy a Fine of the Land whereof he his disseised to a strangir, the Disseisor shall keep the Land for ever, for the Disseisee against his own Fine cannot claim, and the Conusee cannot enter, for the right which the Disseisee had was extinct by the Fine, whereof the Disseisor shall take advantage: and so was the opinion, Co. lib. 2. fol. 56.

professe Maincrafts, & tiels baser Arts d emptiõ & venditiõ p gaine lour viver) ou al un q̃ est decrepit, ou deform̃, ou ayãt horrible disease, com̃ le Leprosie, les Pocks franks, Falling-sickness, ou tiels semblables, ou marrie luy a un feme q̃ est pas le age de Infanter, & divers tiels aut's donq̃s, sur le complaint fait p les amies d tiel Heire, l' Seignior ou Gardein perdera le Gardship, & les profits durant le Nonage de le Heire, pur le Disparagement fait a luy. Veies *Litt. lib. 2. cap. 4.*

Disseisin.

D*Isseisin* est, quant un home enter en ascun Terres ou Tenements lou son Entrie nest pas congeable, & outta celuy q̃ ad le Franktenement.

Disseisor & Disseisee.

D*Isseisor* est celuy que mist ascun home hors de son Terre sans order le Ley.

Mes le Roy ne serra dit destre un *Disseisor*; & ove ceo est un note en 1 *E. 5. fol.* 8. q̃ fuit tenus, le Roy ne poit estre dit un q̃ fist tort, car si un voet disseise un aut' al oeps le Roy, lou le Roy nad droit, le Roy ne poit estre dit *Disseisor*.

Disseisee est cestuy que est mis hors d sõ Terr; & si tiel *Disseisee* levie Fine dl Terre de que il est disseisie al un estranger, le *Disseisor* retein̄ le Terr̃ a touts jours, car le *Disseisee* encõt' sũ Fine demesne ne poit claime, & le Conusee ne poit ent', car le droit q̃ le *Disseisee* ad fuit extinct per le Fine, dont l' *Disseisor* prendra advantage: & issint fuit le opion, Co *l. 2. fol.* 56.

Distresse.

Distresse est le chose prise & distreine sur ascun Terr̃ pur Rent arere, ou pur auter dutie, ou pur tort fait, com̃t que le propertie de chose soit perteigne al estranger: mes si sont Avers que perteigne al estrang', il covient que ils sont levant & couchant sur mesm̃ le Terr̃, ceest adire, que les Avers avoient estre sur le terre per certain space, que ils ont eux bien reposé sur la terre, ou auterment ils ne sont distreinable pur Rent ou Service.

Si un distreine pur Rent ou auter chose sans cause loyal, donques le partie grieve avera un *Replevin*, & sur Suretie trove de pursuer son Action, avera le Distresse re-deliver. Mes sont divers choses q̃ ne sont distreinable, *viz.* Robe de auter home en le meason de un Taylour, ou Drape en le meason de un Fuller, Sheerman, ou Weaver, pur ceo que ils sont common Artificers, & le common presumption est, q̃ tiels choses ne sont perteignont al Artificer, mes al auters persons que eux mittont la a overer.

Viande nest pas distreinable, ne Blees en sheaves, sinõ que ils sont en un Cariot; p̃ c̃ que Distress covient estre sours foits de tiel chose dont le Viscount poit fair̃ Replevin, & redeliver en auxy bone case que il fuit al prisel.

Distress.

Distress is a thing taken and distrained upon any Land for Rent behind, or other Duty, or for hurt done, although the property of the thing belongs to a stranger: But if they are Beasts that belong to a Stranger, it behoves that they were Levant and Couchant upon the same Ground, that is to say, that the Beasts have been upon the Ground a certain space, that they have themselves well rested there, or else they are not distrainable for Rent or Service.

If one distrain for Rent or other thing without lawful Cause, then the party grieved shall have a Replevin, and upon Surety found to pursue his Action, shall have the Distress re-delivered. But there are divers things that are not distrainable, viz. another Mans Gown in the House of a Taylor, or Cloth in the House of a Fuller, Sheerman, or Weaver, they being common Artificers, and the common presumption is, that such things belong not to the Artificers, but to other persons who put them there to be wrought.

Vitual is not distrainable, nor Corn in sheaves, unless they are in a Cart; because a Distress ought to be always of such things whereof the Sheriff may make Replevin, and deliver again in as good Case as they were at the taking.

A Man may diſtrain for Homage of his Tenant, for Fealty and Eſcuage, and other Services and for Fines and Amerciaments which are aſſeſſed in a Leet, but not in a Court-Baron; and for Dammage-feaſant, that is, when he finds the Beaſts or Goods of any other doing hurt, or incumbring his Ground. But a Man may not diſtrain for any Rent, or thing due for any Land, but upon the ſame Land that is charged therewith. And in caſe where I come to diſtrain, and the other, ſeeing my purpoſe, chaſes the Beaſts, or bears the thing out, to the intent that I ſhall not take it for a Diſtreſs upon the Ground; then I may well purſue; and if I take it preſently in the Highway, or in anothers Ground, the taking is lawful as well there as upon the Land charged, to whomſoever the property of the Goods belongs.

Alſo for Fines and Amerciaments aſſeſſed in a Leet, one may always take the Goods of him that is ſo amerced, in whoſe Ground ſoever they be within the Juriſdiction of the Court, as is ſaid.

Alſo when one hath taken a Diſtreſs, it behoves him to bring it to the common Pound, or elſe he may keep it in an open place, ſo that he give notice to the Party, that he (if the Diſtreſs be a quick Beaſt) may give it Food; and then if the Beaſt die for want of Food, he that was

Home poit diſtreine pur Homage de ſon Tenant, pur Fealtie & Eſcuage, & auters Services, & pur Fines & Amerciaments que ſont aſſeſſe en un Leet, mes nemy en un Court-Baron; & pur Dammage-feaſant, ceſtaſcavoire, quāt il trove les Beaſts ou biens des aut's feaſant tort, ou incumbrant ſon Terre Mes home ne poit diſtreine pur aſcun Rent, ou choſe due pur aſcun Terre, mes ſur meſme le Terre que eſt charge oveſq ceo. Et en caſe lou jeo veigne a diſtreiner, & lauter, veyant mon purpoſe, chaſe les beaſts, ou port le choſe dehors, al entent que jeo ne prendra ceo pur un Diſtreſſe ſur le Terre; donques jeo poy bien purſue; & ſi jeo priſe ceo maintenant en le Hault chimin, ou en aut' ſoile, le priſel eſt loyal auxybñ la come ſur la Terre charge, a quecunque la propertie des biens ſont.

Auxy pur Fines & Amerciaments aſſeſſe en un Leet, un poit touts foits prender les biens celuy que eſt iſſint amerce, en quecunque ſoyle que ils ſont deins le Juriſdiction del Court, ut dicitur.

Et quant un ad priſe un Diſtreſſe, il covient luy de ameſñ ceo al common Pound, ou auterment il poit garder ē overt lieu, iſſint que il done notice al partie, que il (ſi le Diſtreſſe ſoit vive avers) poit done a luy viand; & donques ſi l'aver moruſt pur default de viand, celuy

que fuit diſtreine ſerra a le pard, & donques laut' poit diſtrein auter foits pur m̃ le Rent ou dutie. Mes ſil ameſna le Diſtreſſe a un Fortlet, ou hors del Countie, que le Viſcount ne poit biẽ fair deliverance ſur Replevin; donques le partie (ſur le Return del Viſcount) avera un Bꝛe de *Withernam* direct al Viſc̃, que il prendra tant des avers ou tant des biens lauter en ſon gard, tanque il ad fait deliverance de le prim̃ Diſtreſſe. Auxy ſi ſont en un Fortlet ou Caſtle, le Viſc̃ poit prender ove luy le Power del Countie, & abat' le Caſtle, come appiert per le Statute de *Weſt.* 1. *cap.* 17. *Ideo vide Statut.* Per le *Stat.* 2 *W.* & *M. cap.* 5. Si home diſtrain pur Rent, & le Tenant puis notice done ne Replevie ceo deins cinque jours, il ſera loyal pur ceo que fait le Diſtreſs a vender ceo, rendant le overplus al owner. Auxy per ceſt Stat. home poet diſtrainer Sheaves ou Cocks des Blees ou Fein deins un Barn ou Granary & ceo deſtainer tanque ſoit Replevy deins le temps avandit, & pur default de ceo, a vender, &c.

diſtrained ſhall be at the loſs, and the other may diſtrain again for the ſame Rent or Duty. But if he carry the Diſtreſſe to an Hold, or out of the County, that the Sheriff may not make deliverance upon the Replevin; then the party (upon Return of the Sheriff) ſhall have a Writ of Withernam directed to the Sheriff, that he take as many Beaſts or as much Goods of the other into his keeping, till deliverance be made of the firſt Diſtreſs. And alſo if they be in a Fortlet or Caſtle the Sheriff may take with him the Power of the County, and beat down the Caſtle, as appears by the Statute of Weſt. 1. cap. 17. Therefore ſee the Stat. By the Stat. 2 W. & M. cap. 5. If a Man diſtrain for Rent, and the Tenant after notice given does not Replevy it within five days, it ſhall be lawful for him who diſtrained to ſell it, rendring the overplus to the Owner. Alſo by this Statute a Man may diſtrain Sheaves or Cocks of Corn, or Hay in a Barn, or Granary, and detain it until it be replevied within the time aforeſaid, and in default thereof to ſell it, &c.

Diſtreſs.

Diſtrict.

Diſtrict is ſometimes uſed for the Circuit or Territory within which a Man may be compelled to appear, Brit. cap. 120. and ſo alſo is Diſtrictio in the Reg. Orig. fol. 6. b. Diſtreſſe in the former ſignification is divided firſt into finite and infinite. Finite is that which is limited by Law, how often it ſhall be made, to bring the Party to trial of the Action, as once or twice, Old Nat. Brev. fol. 43. Diſtreſſe infinite is without limitation, until the Party comes; as againſt a Jury that refuſes to appear upon Certificate of Aſſiſe, the Proceſs is a Venire facias, Habeas corpora, and Diſtreſſe infinite. Old Nat. Brev. fol. 113.

Then it is divided into the grand Diſtreſſe, as Anno 52 H. 3. cap. 7. which Fitzherbert calls in Latine Magnam Diſtrictionem, Nat. Brev. 126. a. and an ordinary Diſtreſſe. A grand Diſtreſſe is that which is made of all the Goods and Chattels which the Party had within the County, Brit. cap. 6. fol. 52. But ſee whether it be not ſometimes all one with Diſtreſſe infinite, idem. fol. 80. with whom alſo the Statute of Marlbridge ſeems to agree, Anno 52 H. 3. cap. 7, 9, & 12. See the Old Nat. Brev. 71. b.

Diſtrictus.

Diſtrictus eſt aſcun foit uſe pur le Circuit ou Territorie deins quel home poit eſtre compel đ appear, *Brit. cap.* 120. & iſſint auxy eſt *Diſtrictio* ē le *Reg. Orig. fol. 6. b. Diſtreſſe* ē le prim̃ ſignificatiō eſt divide primerm̃t ē finite & infinite. *Finite* eſt ceo q̄ eſt limit p̄ Ley, que toſt il ſerra fait, a traher le partie al trial del Action, come un foits ou deux foits, *Veil Nat. Brev. fol.* 43. *Diſtreſſe infinite* eſt ſans limitation tanque le partie vient; come vers un Jurie que refuſe đ appearer ſur le Certificate de Aſſiſe, le proces eſt un *Venire facias, Habeas corpora*, & Diſtreſſe infinite. *Veil Nat. Brev. fol.* 113.

Donque il eſt divide ē le grand Diſtreſſe, come *Anno* 52 *H* 3. *cap.* 7. q̄ *Fitzherbert* appel en Latine *Magnam Diſtrictionem, Nat. Brev.* 126. *a.* & un ordinarie Diſtreſſe. Un *grand Diſtreſſe* eſt ceo que eſt fait đ touts les Biens & Chattels q̄ le partie al deins le Countie, *Brit. cap. 6. fol.* 52. Mes quære ou il ne ſoit aſc̄ foits tout un ove un Diſtreſſe infinite, *idem fol.* 80. ove q̄ auxy le Statute de *Marlbridge* ſemble đ agreer, *Anno* 52 *H.* 3. *cap.* 7, 9, *&* 12. Veies le *Veil Nat. Brev.* 71. *b.*

Distringas.

D*Istringas* eſt un Brief direct al Viſcount, ou aſcun auter Officer, luy commandant a *diſtreine* un pur un Dett al Roy, &c. ou pur ſon appearance al un jour. Veies le grand diverſitie de ceſt Brief en le Table del *Reg. judic. verbo Diſtringas.*

Auxy eſt un Brief ad diſtringendum Juratores ad triandum exitum en un Suit al Common Ley. Auxy eſt un auter Brief de diſtringas Villatas circumjacentes ad levandum ſepes & fenſuras noctanter per ignotos proſtrata. De quel veies 1 *Cro. Rep. fol.* 204. *& int' Reg. & inhabit' de Epworth.*

Diſtringas.

Diſtringas is a Writ directed to the Sheriff, or any other Officer, commanding him to diſtrain for a Debt to the King, &c. or for his appearing at a day. See the great diverſity of this Writ in the Table of the Reg. judic. verbo Diſtringas.

Alſo there is a Writ to diſtrain Jurors to try an iſſue in a Suit at Common Law. And alſo another Writ to diſtrain the adjacent Villages to make good Hedges and Fences thrown down in the Night by unknown Men. Of which ſee 1 Cro. Rep. fol. 204. & int' Reg. & inhabit' de Epworth.

Dividend.

D*Ividend* eſt un parol uſe en le Statute de *Roteland, Anno* 10 *E.* 1. ou il ſemble ſignifier un part de un Indenture. Veies *Anno* 28 *ejuſdem, Stat.* 3. *cap.* 2.

Dividend.

Dividend is a word uſed in the Statute of Rutland, Anno 10 E. 1. where it ſeems to ſignify one part of an Indenture. See Anno 28 ejuſdem, Stat. 3. cap. 2.

Divorce.

D*Ivorce.* Veies *Devorce.*

Divorce.

Divorce. See Devorce.

Docket

Docket.

DOcket is a little piece of Paper or Parchment written, that contains in it the effect of a greater Writing. See the Statute 2 & 3 P. & M. cap. 6. W. West part 2. tit. Fines, sect. 106. calls it Dogget.

Docket.

D*Ocket* eſt un petit quantitie d̄ Paper ou Parchment eſcrie, que contein ē luy l'effect de plus grand Eſcript. Veies le Statute de 2 *&* 3 *P. & M. cap.* 6. M. *Weſt part* 2. *tit. Fines, ſect.* 106. appelle ceo *Dogget.*

Dog-draw.

DOg-draw is an apparent Deprehenſion of an Offendor against Veniſon in the Forest. There are four kinds of them observed by Manwood, part 2. cap. 18. num. 9. of his Foreſt Laws, that is, Dog-draw, Stable-ſtand, Back-bear, and Bloudy-hand. Dog-draw is, when one is found drawing after a Deer by the ſcent of a Hound led in his Hand.

Dog-draw.

D*Og-draw* eſt un manifeſt Deprehenſion de un Offender envers Veniſon en le Forreſt. La ſont quater ſorts de ceux note per *Manwood, part* 2. *cap.* 18. *num.* 9. de ſes *Forreſt Leys*, ceſtaſcavoir, *Dog-draw, Stable-ſtand, Back-bear, & Bloudy-hand. Dog-draw* eſt, quant un eſt trove trahant aps un Dame p̄ le ſent d̄ un Brache tient en ſon maine.

Dogger.

DOgger is a kind of Ship, Anno 31 E. 3. Stat. 3. cap. 1. Dogger-fiſh, ibid. cap. 2. ſeems to be Fiſh brought in thoſe Ships to Blackney Haven, &c. Doggermen, Anno 2 H. 8. cap. 4.

Dogger.

D*Ogger* eſt un ſort d̄ Neife, *Anno* 31 *E.* 3. *Stat.* 3. *cap.* 1. *Dogger-fiſh, ibid. cap.* 2. ſemble deſtre Piſſons port en ceux Nieſes al *Blackney* Haven, &c. *Doggermen, Anno* 2 *H.* 8. *c.* 4.

Doleſh.

Dolefish.

DOlefish semble destre ceux Pissons que les Fisher-homes annualment employ en le North Mere d̄ custome receivont p̄ lour allowance. Veies le Statute *Anno* 35 *H.* 8. *cap.* 7.

Dolefish.

DOlefish seems to be those Fishes which the Fisher-men yearly imployed in the North Seas do of custom receive for their allowance. See the Statute Anno 35 H. 8. cap. 7.

Dominus litis.

EST un advocate en le Civil Ley que puis le mort de son Client prosecute un suit al sentence pur le use del Executor.

Dominus litis.

IS the Advocate in the Civil Law, who after the death of his Client, prosecutes a Suit to Sentence for the Executors use.

Domo reparanda.

DOmo *reparada* est un Brief que gist pur un envers son vicine, per le chier de quel Meason il suppose ascun leid voile happer a son meason demesne. *Reg. Orig. fol.* 123.

Domo reparanda.

DOmo reparanda is a Writ that lies for one against his Neighbour, by the fall of whose House he fears some hurt will come to his own. Reg. Orig. fol. 123.

Doom.

DOom (del *Saxon Dom*) signifie Judgment; un parol mult use en References al Arbitrators.

Doom.

DOom (from the Saxon Dom) signifies Judgment; a word much used in References to Arbitrators.

Dooms-day.

DOoms-day est un Livre que fuit escrie en le temps de S. *Edward* le Confessor, come le Autheur d̄ Veil *Nat. Brev.* dit, *fol* 15. & devant ē le title *Ancient demesne*, conteinant ē ceo non solement touts les Terres p̄ *Angleterre*,

Dooms-day.

DOoms-day is a Book that was written in the time of S. Edward the Confessor, as the Author of Old Nat. Brev. saith, fol. 15. and before in the title of Ancient demesne containing in it not only all the Lands through England but

but also all the names of those in whose Hands they were at that time when the Book was made. Lambert proves that this Book was made in the time of William the Conqueror, with whom Cambden in his Britan. pag. 94. agrees, proving it out of Ingulphus that flourished the same time, who touching the Contents thereof hath these words: It describes the whole Lands; neither was there one Hide in all *England* whose Value and Possessor was unknown, nor any Pool or place not described in the King's Roll, and the Rent, Profits, Possession it self and Possessor not made known to the King, according to the fidelity of the Taxers, who described the same Country wherein they were elected. That Roll is called *Rotulus Wint.* and by the *English*, for its generality, in that it contains all the Tenements contained throughout the Land, it is surnamed *Dooms day*. And this Book is sometimes talled *Liber Judicatorius*, because in it is contained a diligent Description of the Kingdom, and it expresses the Value of all the Ground thereof, as well in the time of King *Edward*, as in the time of King *William*, under whom it was compiled.

mes auxy touts les nosmes de ceux en queux mains ils fueront a cel tēps quāt le Livre fuit fait. *Lambert* prova que ceſt Livre fuit fait en le temps de *Gulielmo* le Conqueror, ove que *Cambden* en son *Britan. pag.* 94. agreea, ceo provant hors de *Ingulphus* que flourie mesme le temps, que touchant les Contents de ceo ad ceux parolx: *Totam Terram deſcripſit; nec erat Hida in totâ* Anglia, *quin Valorem ejus & Poſſeſſorem ſcivit, nec Lacus nec locus aliquis quin in Regis Rotulo extitit deſcriptus, ac ejus Reditus & Proventus, ipſa Poſſeſſio & ejus Poſſeſſor Regiâ notitiæ manifeſtatus, juxta Taxator' fidem, qui electi de quolibet Patriæ territorium proprium deſcribebant*] *Iſte Rotulus vocat' eſt* Rotulus Wintoniæ; *& ab* Anglis, *pro ſua generalitate, quod omnia Tenementa totius Terræ continuit*, Dooms-day *cognominatur*. Et ceſt Livre eſt aſcun foits appel *Liber Judicatorius, quia in eo Regni Deſcriptio diligens continetur, & tam de tempore Regis* Edwardi, *quam de tempore Regis* Gulielmi, *ſub quo factus eſt, ſingulorum fundorum valentia exprimitur.*

Doomſman.

SEmble deſtre Suitors en le Court d'un Mannor en Auncient Demeſne, queux ſont Judges la.

Doomſman.

SEem to be Suitors in a Court of a Mannor in Auncient Demeſne, who are Judges there.

Donative.

DOnative eſt un Benefice merement done & collate p le Patron al un hõe, ſans ou Preſentation al, ou Inſtitution per le Ordinarie, ou Induction per ſon Commandment, *Fitz. Nat. Brev.* 35. *e.* Veies le Statute de 8 *R.* 2. *cap.* 4. *Peter Gregory de Beneficiis, cap.* 11. *num.* 1. ad ceux parols: *Si tamen Capellæ fundatæ per Laicos non fuerint a Dioceſano approbatæ, &, ut loquuntur, ſpiritualizatæ, non cenſentur Beneficia, nec ab Epiſcopo conferri poſſunt, ſed ſunt ſub pia diſpoſitione Fundatoris.* Pur que les Founders & lour Heires poient doner tiels Chappels, ſils voilont, ſans le Eveſque.

M. *Gwyn*, en le Preface a ſes Lectures, dit, Que le Roy puit de veiel temps founder un frank Chappel, & ceo exempter del Juriſdiction del Dioceſan: Iſſint auxy il puit per ſes Letters Patents doner congee a un common Perſon de founder tiel Chappel, & de ordeigner que il ſerra *Donative*, & nient *Preſentable*, & que le Chapleine

Donative.

DOnative is a Benefice meerly given and collated by the Patron to a Man, without either Preſentation to, or Inſtitution by the Ordinary, or Induction by his Commandment, Fitz. Nat. Brev. 35. e. See the Statute of 8 R. 2. cap. 4. Peter Gregory de Beneficiis, cap. 11. num. 1. hath theſe words: But if Chappels founded by Lay-men were not approved of the Dioceſan, and, as they term it, ſpiritualized, they are not accounted Benefices, neither can they be conferred by the Biſhop, but remain to the pious Diſpoſition of the Founders. Wherefore the Founders and their Heirs may give ſuch Chappels, if they will, without the Biſhop.

M. Gwyn, in the Preface to his Readings, ſaith, That the King might of ancient time found a free Chappel, and exempt it from the Juriſdiction of the Dioceſan: So alſo he may by his Letters Patents give Licenſe to a common Perſon to found ſuch a Chappel, and to ordain that it ſhall be Donative, and not Preſentable, and that the Chaplain ſhall be depri-

deprivable by the Founder or his Heir, and not by the Bishop: And this seems to be the Original of Donatives in England. Fitzherbert saith, fol. 33. c. that there are some Chauntries which a Man may give by his Letters Patents.

And all Bishopricks were of the Foundation of the Kings of England, and therefore in the ancient time they were Donative, and given by the Kings; yet now the Bishopricks are become, by the Grants of the Kings, eligible by their Chapter. Coke, lib. 3. fol. 76.

Donor and Donee.

DOnor is he who gives Lands or Tenements to another in Tail; and he to whom the same is given is called Donee.

Dorture.

DOrture is a common Room, Place, or Chamber, where all the Religious of one Convent slept, and lay all Night. Anno 25 H. 8. cap. 11.

serra deprivable per le Founder ou ses Heire, & nemy per l'Evesque: Et ceo semble destre le Original de Donatives en *Angleterre*. *Fitzherbert* dit, *fol.* 33. *c.* que la sont aſcuns Chauntries que home poit doner per ses Letters Patents.

Et touts Evesqueries fueront del Foundation de Roys de *Angleterre*, & pur ceo en ancient temps ils fueront Donative, & dones per les Roys; uncore jamés l'Evesqueries sont deveigne, per les Grants del Roys, eligible per lour Chapter. *Coke, lib.* 3. *fol.* 76.

Donor & Donee.

D*Onor* est celuy que done Terres ou Tenements al auter en Taile; & celuy a q̄ il est done est appelle *Donee*.

Dorture.

D*Orture* est un common Roome, Lieu, ou Chambre, lou touts les Religieux d'un Covent dormont, & giseront tout le Nuit. *Anno* 25 *H.* 8. *cap.* 11.

Double

Double Plea.

DOuble Plea is, where the Defendant or Tenant in any Action pleads a Plea in which two matters are comprehended, and each one by it ſelf is a ſufficient Bar or Anſwer to the Action, then ſuch Double Plea ſhall not be admitted for a Plea, except one depend upon another; and in ſuch caſe if he may not have the laſt Plea without the firſt, then ſuch a double Plea ſhall be well received.

Double Plee.

D*Ouble Plee* eſt, lou le Defendant ou Tenant en aſcun Action plede un Plee en que deux matters ſont comprehendus, & cheſcun per luy meſme eſt un ſufficient Barre ou Reſpons al Action, donques tiel *Double Plee* ne ſerra admit pur Plee, ſinon que un depend ſur l'auter & en tiel caſe ſi il ne poit aver le darraine Plee ſans le primer Plee, donques tiel double Plee ſerra bien recev'.

Double Quarrel.

DOuble Quarrel is a Complaint made by any Clerk or other to the Archbiſhop of the Province, againſt any inferior Ordinary, for delaying Juſtice in any Cauſe Eccleſiaſtical; as to give Sentence, or to Inſtitute a Clerk preſented, or ſuch like: the effect of which is, That the Archbiſhop, taking knowledge of ſuch Delay, directs his Letters under his authentical Seal to all and ſingular Clerks of his Province, thereby commanding and giving Authority to them and every of them, to admoniſh the ſaid Ordinary within nine days to do the Juſtice required, or otherwiſe to cite him to appear before him or his Official at a day in the ſaid Letters prefixed, and there to

Double Quarrel, ou *Querele.*

D*Ouble Quarrel* eſt un Complaint fait p aſc̄ Clerk ou auter al Archieveſque de Province envers aſcun inferiour Ordinarie p̄ delaier de Juſtice en aſcun Cauſe Eccleſiaſtical, come a done ſentence, ou de inſtitute un Clerk preſentus, ou tiel ſemblables: l'effect d q̄ eſt q̄ l'Archieveſque, prendant conuſance de tiel Delay, directa ſes Letters ſouth ſon Seale authentique a tout ſingular Clerks de ſon Province, p c̄ eux cōmandant & donant eux authoritie chesc̄ d eux, d admoniſher le dit Ordinarie deins neuf jours a faire le Juſtice demād, ou autermt d citer luy d appearer devāt luy ou ſon Official al un jour en les dits Letters prefixe, & la alledg

alledge the cauſe of his Delay; and laſtly, to intimate to the ſaid Ordinary, that if he performs not the thing injoyned, nor appears at the day aſſigned, he himſelf without other Delay will proceed to perform the Juſtice required. And it ſeems to be called a Double Quarrel, becauſe it is moſt commonly made againſt the Judge, and him at whoſe requeſt Juſtice is delayed.

alledger le meiſtre de ſon Delay, & dernierm̃t d intimat' al dit Ordinarie, que ſil ne performa pas le choſe enjoyne, ne apparuſt al jour aſſigne, il luy meſme ſans auter Delay procederoit de performer le Juſtice require. Et ceo ſemble deſtre terme un *Double Querele*, pur ceo que eſt pluis communement fait envers le Judge, & celuy a que petition Juſtice eſt delay.

Dower.

DOwer (Dos & Dotagium.) The firſt properly ſignifies that which the Wife brings to her Husband in Marriage, otherwiſe called Marritagium, or Marriage-Goods. The other Dotarium, or ſuch a portion of Lands or Tenements which ſhe hath for her life, if ſhe ſurvive him. Glanv. lib. 7. cap. 1. Bract. lib. 2. cap. 38. Brit. cap. 31. And of this there are five ſorts. 1. Dower per Comunem Legem. 2. Per Conſuetudinem. 3. Ex aſcenſu Patris. 4. Ad oſtium Eccleſiæ. 5. De la plus beale.

Dower, by the Law of the Realm, is a Portion which a Widow hath of the Lands of her Husband, which by the Common Law is the third part; but by her Husband's aſſignment, by his Father's aſſent, at the Church-dor, ſhe may have ſo much of his Father's Land as is ſo aſſigned, and ſo of the Husband's aſſignment of part of his own Land. And Dower, by the Cuſtom of ſome places, is to have half

Dower.

DOwer (*Dos & Dotarium.*) Le primer proprement ſignify ceo que la feme port a ſa baron en Marriage. auterment appelle *Maritagium*, ou Marriage-biens. Le aut' *Dotarium*, ou tiel portion de Terres ou Tenements que el avoit pur term de ſa vie, ſur el luy ſurviveray. *Glanv. lib. 7. cap. 1. Bract. lib. 2. cap. 38. Brit. cap. 31.* Et de ceo ils ſont cinque ſorts. 1. Dower *per Communem Legem. 2. Per Conſuetudinem. 3. Ex aſcenſu Patris. 4. Ad oſtium Eccleſiæ. 5. De la pluis beale.*

Dower, per le Ley del Realme, eſt un Portion que Feme ad del Terres del baron, quel p̃ Com̃on Ley eſt le tierce part; mes p̃ aſſignement del baron pro aſſent ſon pere al huis del Eſgliſe, poit aver tant del Terre ſon pere come eſt iſſint aſſigne, & iſſint del aſſignment ſon baron de part ſon Terre demeſne. Et *Dower*, p̃ Cuſtome de aſcun lieux, eſt de aver le moietie del Terre

le baron. *Dower* eſt auxy un Brief que giſt lou home eſt ſole ſeiſie, durant le Coverture perenter luy & ſa feme, de Terres ou Tenements en Fee-ſimple ou Fee-taile, lou per poſſibilitie le iſſue enter eux poyōt inheriter ſi tiel home devie, ſa feme recovera le tierce part de touts les Terres dont le baron fuit ſole ſeiſie aſcun temps durant le Coverture, per Brief de *Dower unde nihil habet*, meſque il ne moruſt ſeiſie, & meſque il ad fait Alienation de ceo en ſa vie.

Mes ſi home, devant le Statute de Uſes, 27 *Hen.* 8. ad Terres en queux auter home ou auters homes fueront ſeiſies a ſon oeps touts foits durant le Coverture, & ceſtuy a que oeps ils fueront ſeiſies devie devant le dit Statute, ſa feme ne ſerroit endow.

Et auxy ſi devant le dit Statute deux homes ſont ſeiſies de Terres al oeps de un de eux, & ceſtuy a que oeps, &c. devie devant le dit Statute, ſa feme ne ſerra endowe. Auxy ſi feme port Brief de Dower, el recovera Dammages pur le profit incurrus apres le mort la baron, ſil moruſt de ceo ſeiſie: mes ſi aſc̄ Alienation ou Eſtate ſoit fait durant le Coverture, iſſint que le baron ne moruſt ſeiſie; donq̄ meſque el recovera la Teſ, uncore el ne recovera Dammages.

the Husband's Land. Dower is alſo a Writ that lies where a Man is ſole ſeiſed, during the Coverture between him and his Wife, of Lands or Tenements in Fee-ſimple or Fee-tail, where by poſſibility the Iſſue between them may Inherit; if ſuch a Man die, his Wife ſhall recover the third part of all the Lands whereof the Husband was ſole ſeiſed any time during the Coverture, by a Writ of Dower unde nihil habet, though he died not ſeiſed, and though he made Alienation thereof in his life.

But if a Man, before the Statute of Uſes, 27 Hen. 8. had Lands in which another Man, or other Men, were ſeiſed to his uſe always during the Coverture, and he to whoſe uſe they were ſeiſed died before the ſaid Statute, his Wife ſhould not be endowed.

And if before the ſaid Statute, two Men were ſeiſed of Lands to the uſe of one of them, and he to whoſe uſe, &c. died before the ſaid Statute, his Wife ſhould not be endowed. Alſo if a Woman bring a Writ of Dower, ſhe ſhould recover Damages, for the Profit run after the death of her Husband, if he died ſeiſed thereof: but if any Alienation or Eſtate were made during the Coverture, ſo that the Husband died not ſeiſed; then though ſhe ſhould recover the Land, yet ſhould recover no Damages.

Alſo

Also there is another Writ of Dower called a Writ of Right of Dower, which lies where a Woman hath recovered part of her Dower in one Town, and the other part she is to recover. But in divers Cases a Woman shall not have Dower; as, if the Husband commit Treason, for which he is attainted, then his Wife shall have no Dower.

And if she elope from her Husband with another Man in Adultery, and be not reconciled to him of her own will, without coercion of the Church, she shall not be endowed. See Littleton, lib. 1. cap. 4.

And note, where in the Civil Law Dower is that which the Husband hath with his Wife in Marriage, to maintain the married estate; by the Laws of this Realm the word (Dower) signifies such Portion as the Wife after her Husband's death shall have to live on.

Dozeine.

DOzeine. See Deciners.

Drie Exchange.

DRie Exchange (Anno 3 H. 7. cap. 5.) seems to be a subtil term invented to disguise Usury, in which something is pretended to pass on both sides, whereas in truth nothing passes on the one side.

Auxy il est un auter Brief de Dower appel *Brief de Droit de Dower*, que gist lou feme ad recover part de sa Dower en mesme le Ville, & auter part el est a recover. Mes en divers cases feme navera Dower; sicome le baron fait Treason, pur que il est attaint, donque sa feme navera Dower.

Et si el elopa de sa baron ovesque un auter home en Advoutry, & si el ne soit reconcile a son baron de son bone volunt sans coercion del Esglise, el ne serra endow. Veies *Littleton, lib.* 1. *cap.* 4.

Et nota, que lou ē le Civil Ley *Dower* est ceo que le baron eyt ove sa feme pur le Marriage, de maintener lour joyned estate; per les Leys del Realm p le parol (*Dower*) est intende le Portion que le feme puis le mort del baron avera pur sa viver.

Dozeine.

D*Ozeine.* Veies *Deciners.*

Drie Exchange.

D*Rie Exchange* (*Anno* 3 *H.* 7. *cap.* 5.) semble estre un subtile terme invēte a disguiser Usury, en quel quelque chose est pretendu a passer ē ambideux parties, lou en veritie rien passa sur l'un partie.

Drift del Forreſt.

Drift del Forreſt neſt riens forſque un exact View & Examination priſe un foits, deux foits, ou pluis foits ẽ un an, come occaſion require, queux Avers ſont deins le Forreſt, al intent q̃ le Common en le Forreſt ne ſoit ſurcharge, que les Avers des Forreiners ne ſont permits de commoner la, & que Avers que ne ſont commonables poient eſtre expelle. Veies p̃ c̃ le Statute 32 *H.* 8. *cap.* 35. & *Manwood's Forreſt Leys, cap.* 15.

Drift of the Foreſt.

Drift of the Foreſt is nothing elſe but an exact view or examination taken once, twice, or oftner in a Year, as occaſion ſhall require, what Beaſts there are in the Foreſt, to the end that the Common in the Foreſt be not over-charged, that the Beaſts of Forreiners that have no Common there be not permitted, and that Beaſts not commonable may be put out. See for this the Statute of 32 H. 8. cap. 35. and Manwood's Foreſt Laws, cap. 15.

Droit.

Droit eſt, lou un ad choſe que fuit tolle d'auter p̃ tort, come per Diſſeiſin, diſcontinuance, ou tiels ſemblables; le Challenge ou Claim de luy que doit aver eſt terme *Droit.*

Si feme releaſe tout ſa *Droit* a ceſtuy en Reverſion, ſa Dower eſt extinct; car quant le *Droit*, que eſt le foundation & le principal, eſt releaſe, p̃ conſequence le Action, que neſt forſque le mean a recover ceo, eſt auxy releaſe. Per Releaſe d̃ tout Title al Terre tout ſont Droit eſt extinct. Iſſint quant home ad Title ou p̃ Condition, ou p̃ Alienation en Mortmaine, le Releaſe d̃ tout ſon Droit extinctera ceſt Title. *Coke lib.* 8. *fol.* 151, 153.

Right.

Right is, where one hath a thing that was taken from another wrongfully, as by Diſſeiſin, Diſcontinuance, or ſuch like; the Challenge or Claim of him that ought to have it is called Right.

If a Woman releaſe all her Right to him in Reverſion, her Dower is extinct; for when the Right, which is the Foundation and Principal, is releaſed, by conſequence the Action, which is but the means to recover, is alſo releaſed. By Releaſe of all Title to the Land, all his Right is extinct. So when a Man hath Title, either by Condition, or by Alienation in Mortmain, the Releaſe of all his Right ſhall extinguiſh this Title. Coke lib. 8. fol. 151, 153.

Droit

Right of Entry.

RIght of Entry is, when one ſeiſed of Land in fee is thereof diſſeiſed; now the Diſſeiſee hath Right to enter into the Land, and may ſo do when he will, or elſe may have a Writ of Right againſt the Diſſeiſor.

Droit de Entrie.

DRoit de Entrie eſt, quant un ſeiſie de Terre en fee eſt de ceo diſſeiſie; ore le Diſſeiſee ad *Droit de entre* en le Terre, & poit quant il voile, ou il poit aver Brief de Droit envers le Diſſeiſor.

Duces tecum.

DUces tecum is a Writ out the Chancery, commanding a Man to appear there, and to bring with him ſome piece of Evidence, or other thing that the Court would have a ſight of.

Duces tecum.

DUces tecum eſt un Brief hors del Chancery, commaundant home p̄ appeare la, & de porter ove luy aſcun piece d̄ Evidence, ou auter choſe que le Court voiloit veir.

Dum fuit infra Ætatem.

DUM fuit infra Ætatem is a Writ that lies where an Infant aliens his Land in Fee-ſimple, or for term of Life; when he comes to his full age he ſhall have this Writ, or he may enter if he will, but he muſt be of full age the day of his writ brought. Alſo if an Infant alien his Land, and die, his Iſſue at his full age ſhall have this Writ, or he may enter; but the Iſſue ſhall not have this Writ within his age.

Dum fuit infra Ætatem.

DUM fuit infra Ætatem eſt un Brief que giſt lou Enfant alien ſon Terre en Fee-ſimple, ou pur terme d̄ vie; quant il vient a ſon pleine age il avera ceſt Brief, ou il puit enter ſil voile, mes il covient q̄ il ſoit de pleine age jour de ſon Brief purchaſe. Auxy ſi Enfant alien ſon Terre, & devie, ſon iſſue a ſon pleine age avera ceſt Brief, ou poit enter; mes le iſſue navera deins ſon age.

Dum non fuit compos mentis.

DUM *non fuit compos mentis* eſt un Brief que giſt lou home que eſt hors de ſon bone memory, ceſt a-dire, Inſane ou Lunatick, alien ſes Terres en Fee-ſimple, & devie ; donques ſon Heire apres ſon deceaſe avera ceſt Brief, mes il meſme navera ceſt Brief, pur ceo que home ne ſerra receive a diſable luy meſme. Auxy ceſt Brief puit eſte fait en le *Per*, *Cui*, & *Poſt*.

Dum non fuit compos mentis.

DUM non fuit compos mentis is a Writ that lies when a Man that is out of his wit, viz. Mad or Lunatick, aliens his Land in Fee-ſimple, and dies ; then his Heir after his deceaſe ſhall have this Writ, but he himſelf ſhall not have it, for that a Man ſhall not be received to diſable himſelf. Alſo this Writ may be made in the Per, Cui, and Poſt.

Duplicat.

DU*plicat* eſt un Second Letters Patents grantus per le Seignior Chancellor, en caſe lou il ad grant le meſme devant ; & pur ceo ſont tenus voyds per *Crompton* ē ſon *Juriſdict. des Courts*, *fol.* 215.

Duplicat.

DUplicat is a Second Letters Patents granted by the Lord Chancellor, in caſe where he hath granted the ſame before ; and therefore they are held void by Crompton in his Juriſdict. of Courts, fol. 215.

Dureſſe.

DU*reſſe* eſt, lou un home eſt garde en Priſon, ou reſtraine de ſon Libertie, contrarie al order de Ley, ou menaſſe deſtre, occide, mayheme, ou grandement batue : & ſi tiel perſon iſſint en Priſon, ou pavor pur tiel Menaſſe, fait aſcun Eſpecialty ou Obligation p̄ reaſon del tiel Impriſonm̄t, tiel Fait eſt voide en le Ley ; & en Action port ſur tiel Eſpecialty poit dire, q̄ il

Dureſſe.

DUreſſe is, where one is kept in Priſon, or reſtrained from his Liberty, contrary to the Order of Law, or threatned to be killed, maimed, or greatly beaten : and if ſuch Perſon ſo in Priſon, or in fear of ſuch Threatnings, make any Specialty or Obligation by reaſon of ſuch Impriſonment, ſuch a Deed is void in Law ; and in an Action brought upon ſuch a Specialty, he may ſay,

say, it was made by Duresse of Imprisonment. But if a Man be arrested upon an Action at the Suit of another, though the cause of Action be not good nor true, if he make an Obligation to a Stranger, being in Prison, by such Arrest, yet it shall not be said by Duresse. But if he make an Obligation to him at whose Suit he was arrested, to be discharged of such Imprisonment, then it shall be said Duresse.

fuit fait per *Duresse de son Imprisonment*. Mes si home soit arrest sur ascun Action al Suit d'un auter, mesque le cause del Action ne soit bone ne voier, sil fait ascun Obligation al un Estraunge esteant en Prison per tiel Arrest, uncore il ne serra dit per *Duresse*. Mes sil fait Obligation a luy a que Suit il fuit arrest, destre discharge de tiel Imprisonment, donques il serra dit *Duresse*.

Dutchy.

IS a Court in the Dutchy Chamber of Lancaster at Westminster, before the Chancellor del Dutchy de Lancaster, for matters concerning the Lands and Franchises of the Dutchy, and their Proceedings are by English Bill as in Chancery. Coke 4 Inst. 204.

Duchy.

EST un Court ē le Duchy Chamber de *Lancaster* a *Westminster*, devāt le Chancellor del Duchy d̄ Lancaster p̄ matters cōcernāt les Terres, & Frāchises del Duchy, & leur procedure est p̄ English Bill come en Chancery. *Coke 4 Inst.* 204.

E.

Ealderman.

E *Alderman* enter les *Saxons* fuist tant come *Count* enter les *Danes*, *Camb. Brit. pag.* 107. Et a ceſt jour nous appellomus ceux *Aldermen*, que ſont Aſſociates al prime Officer en le Common Councel del Ville, 24 *H.* 8. *cap.* 13. Et en aſcun lieus le prime Officer luy meſme eſt appel *Alderman.*

Earle.

E *Arle.* Veies *Countee.*

Eaſement.

E *Aſement* eſt un Immunitie que un vicine ad d'un auter, p Charter ou Preſcription, ſans profit; come un voy ou un Chanel p ſon Terre, ou tiels ſemblables. *Kitch. f.* 105.

Egyptians.

E *Gyptians*, vulgarit' vocati *Gipſies*, ſont counterfeit Vagabonds, *Wallois* ou *Anglois*, q̄ eux meſmes diſguiſe en roabes & Language, & vaguerōt p le Pais, dtendāt daver ſcience en Palmeſtry, & iſſint deceive le vulgar,

E.

Ealderman.

E Alderman among the Saxons was as much as Earl among the Danes, Camb. Brit. pag. 107. And at this day we call them Aldermen, who are Aſſociates to the Chief Officer in the Common Council of the Town, 34 H. 8. cap. 13. And in ſome places the chief Officer himſelf is called Alderman.

Earl.

E Arle. See Countee.

Eaſement.

E Aſement is a Privilege that one Neighbour hath of another, by Writing or Preſcription, without profit; as a Way or a Sink through his Land, or ſuch like. Kitch. f. 105.

Egyptians.

E Gyptians, commonly called Gipſies, are counterfeit Rogues, Welſh or Engliſh, that diſguiſe themſelves in ſpeech and apparel, and wander up and down the Country, pretending to have skill in telling Fortunes, and to deceive the common

ommon people, but live chiefly y Filching and Stealing, and herefore the Statutes of 1 & 2 Mar. cap. 4. & 5 Eliz. cap. 20. ere made to punish such as Felons, if they departed not he Realm, or continued so a Month.

mes vivont principalm̃t per embler & embeasler des biens; & pur ceo le Statutes *1 & 2 Mar. cap.* 4. *& 5 Eliz. cap.* 20. fueront faits pur le punishment de tiels persons cõe Felons, sils ne departont le Realme, ou issint continue per un moys.

Ejectione firmæ.

Jectione firmæ. Look for that in the Title Quare ejecit infra terminum.

Ejectione firmæ.

E*Jectione firmæ.* Vide de ceo en le Title *Quare ejecit infra Terminum.*

Ejectment de Gard.

Jectment de Gard. See that in the Title Gards.

Ejectment de Gard.

E*Jectment de Gard.* Veies de coe en le Title *Gards.*

Eigne.

Igne is a French word, and signifies the Eldest or Firstborn. See Enitia pars.

Eigne.

E*Igne* est un parol *Francois*, & signifie le Eldest ou Prim̃ nee. Veies *Enitia pars.*

Einecia.

Inecia signifies Eldership, Statute of Ireland, Anno 14 Hen. 3. See Enitia pars.

Einecia.

E*Inecia* signifie Primogenitur ou Eldership, *Stat. de Hib. Anno* 14 *Hen.* 3. Veies *Enitia pars.*

Eire Justices.

Eire Justices, or Itinerant, as we call them, were Justices that used to ride from place to place throughout the Realm, to administer Justice.

And these Justices had authority in ancient times to grant Land that was seised for the King for Alienation without Licence; for then Justices in Eire might have granted

Eire Justices.

E*Ire Justices*, ou *Itinerant*, cõe nous appel', eux, fueront Justices que use de equitate de lieu al lieu per tout le Realm, pur administer Justice.

Et ceux Justiees avoyent authoritie en ancient temps a granter Tre que fuit seisie pur le Roy pur Alienation sans Licence; car adonques Justices en Eire puissoyent aver-

aver graunt tiel Tfe en fee, rendant Rent, come Juſtices del Forreſt (que en effect, quant a ceſt purpoſe, ſont Juſtices en Eire) a ceſt jour poyent de Tfes encloſe deins un Forreſt, ſans conge le Roy. *Co. lib.* 2. *fol.* 80.

such Land in Fee, rendring Rent, as Juſtices of the Forreſt (which in effect, as to this purpoſe, are Juſtices in Eire) at this day may of Lands incloſed within a Forreſt, without the King's Licence, Cok. lib. 2. fol. 80.

Electione.

E*Lection* eſt quant home eſt laiſe a ſon Frank arbiterment demeſne, de p̄nder ou faire un choſe ou auter, que il voile. Come ſi *A.* covenant de payer al *B.* un liver de Pepper ou Saffron devant Pentecoſt, eſt al *Election* de *A.* tout temps devant Pentecoſt, que de eux il voile payer; mes ſil ne ceo paya devant le dit Feaſt, donque enapres eſt al Election de *B.* pur aver ſon Action p̄ quel a luy pleiſt. *Dyer, fol.* 18. *pl.* 104.

Iſſint ſi hōe done a un aut' ſon Chival ou Vache, le Donee poit p̄der le un ou le aut' a ſon *Election*: Mes ſi ſoit que il *donera*, en le future temps, la le Donee ne poit prender le un ou l'auter, car donque le *Election* eſt en le Donor. 21 *Hen.* 7. 19.

Auxy ſi un Juſtice d Peace direct ſon Garrant a un Conſtable a demeſne le party attach devant luy ou aut' Juſtice, eſt al *Election* del Conſtable de aler a quel Juſtice que a luy pleiſt, *Cok. lib.* 5. *fol.* 59. Et en meſme le manner eſt en pluſors auters caſes.

Election.

ELection is, when a Man is left to his own Free will, to take or do one thing or another, which he pleaſes: As if A. Covenants to pay B. a pound of Pepper or Saffron before Whitſuntide, it is at the Election of A. at all times before Whitſuntide, which of them he will pay; but if he pays it not before the ſaid Feaſt, then afterward it is at the Election of B. to have his Action for which he pleaſes. Dyer, fol. 18. pl. 104.

So if a Man gives to another his Horſe or Cow, the Donee may take the one or the other at his Election: But if it be that he will give, in the future tenſe, then the Donee cannot take the one nor other, for then the Election is in the Donor. 21 Hen. 7. 19.

Alſo if a Juſtice of Peace direct his Warrant to a Conſtable, to bring the Party apprehended before him or another Juſtice, it is in the Election of the Conſtable to go to what Juſtice he pleaſes. Coke lib. 5. fol. 59. And ſo in many other caſes.

Elegit.

TO hold by Elegit is, where a Man hath recovered Debt or Damage by a Writ against another by confeſſion, or in other manner, he ſhall have within the year againſt him a Writ judicial, called Elegit, to have execution of the half of all his Lands and Chattels, (except Oxen and Beaſts of the Plow) till the Debt and Damages be wholly levied and paid him; and during this Term he is Tenant by Elegit.

If he be put out within the Term, he ſhall have Aſſiſe of Novel Diſſeiſin, and after a Redisſeiſin, if need be; and this is given by the Statute of Weſtm. 2. cap. 18

And by the equity of the ſaid Statute, he that hath this Eſtate, if he be put out, ſhall have Aſſiſe and Rediſſeiſin, if need be. And alſo if he make his Executors, and die, and his Executors enter, and after are put out, they ſhall have ſuch Action as he himſelf. And if he bet put out, and after make Executors, and die, his Executors may enter; and, if they be ſtopped of their Entry, they ſhall have a Writ of Treſpaſs upon their Caſe.

If he do Waſte in all the Land, or parcel, the other ſhall have againſt him immediately a Writ judicial out of the firſt Record, called Venire facias ad computandum, by which it ſhall be enquired if he have levied all the Money, or parcel; and if he have not levied

Elegit.

TEner per *Elegit* eſt, lou hom̃ ad recover Det ou Dammage per Bre devers un auter p conuſance, ou en aut' manner, il avera deins le an devers luy un Bre judicial, noſme *Elegit*, deaver Execution de moietie de touts ſes Terres & Chattels, (except Boefs & Avers a la carue) tanque le Det ou Dammages ſoyent ouſterment levies ou payes a luy; & durant ceſt Terme il eſt *Tenant per Elegit*.

Sil ſoit ouſta deins le t'me, il avera Aſſiſe de *Novel Diſſeiſin*, & apres un *Rediſſeiſin*, ſi beſoigne ſoit; & ceſt done per le Statute de *Wiſt.* 2. *cap.* 18.

Et per le equitie de meſme le Statute, celuy que ad c̃ Eſtate, ſil ſoit ouſta, avera aſſiſe & *Rediſſeiſin*, ſi beſoigne ſoit. Et auxy ſil face ſes Executors, & devie, & ſes Executors entront, & puis ſoient ouſtes, ils averont tiel Actiõ come luy meſme. Mes ſil ſoit ouſte, & puis fait ſes Executors, & devie, ſes Executors purront enter; & ſils ſoient eſtoppes d lour Entrie, ils averont un Bre de Treſpaſs ſur lour Caſe.

Sil face Waſte en tout le Tre, ou en parcel, lauter avera envers luy maintenant un Bre judicial hors de le primer Recorde, appelle *Venire facias ad computandum*, per force de quel ſerra inquiſe ſil ad levie touts les deniers, ou parcel; & ſil nad

nad levie les deniers, donques ſerra inquiſe a quant le Waſte amount; & ſi le Waſte amount ſi non a parcel, donques tant des deniers que le Waſte amounte ſerra abridge de les ſuiſdits deniers queux fueront deſtre levies. Mes ſil ad fait pluis Waſte que l'avantdit ſumme de argent que fuit eſtre levie amount, lauter ſerra diſcharge maintenant de touts les deniera ſuiſdits, & recovera la Terre. Et pur la ſuperfluity de Waſte fait ouſter le dit ſumme, il recovera ſes dammages ſingle. Meſme le lienee ſole Aſſiſe, cõe ſil uſt Ley eſt les Executors, & de ceſtuy que ad ſon Eſtate.

the Money, then it ſhall be enquired to how much the Waſt amounts; and if the Waſt amount but to parcel, then as much of the Money as the Waſt amounts unto ſhall be abridged of the aforeſaid Money which was to be levied. But if he have done more Waſt then the aforeſaid Sum of Money which was to be levied amounts to, the other ſhall be diſcharged forthwith of all the ſaid Money, and ſhall recover the Land. And for the ſuperfluity of the Waſt made above the ſaid Sum, he ſhall recover his Damages ſingle. The ſame Law is of his Executors, and of him that hath his Eſtate.

Ou ſi le Dettor ſoit ſatiſfie per ſoder de Coals, Lead, Tyn, ou auters caſual profits.

Or if the Debtor be ſatisfied by digging Coales, Lead, Tyn, or other cauſal profits.

Vide *Stat.* 32 *H.* 8. *cap.* 5. Si touts les terres extend ſont evict del Debtor per mieulx title, il poit prender novel Execution, *Co.* 4 *Rep.* 66.

See the Statute of 32 Hen. 8. cap. 5. If all the Lands extended be evicted from the Debtor by a better Title, he may take a new Execution, Co. 4. Rep. 66.

Si alien en fee, ou a terme de vie, ou en taile, tout le Tre ou parcel de le Tre que il tient per *Elegit*, ſi le Alienation ſoit fait deins le term ou apres, ceſtuy que ad droit avera vers luy un Aſſiſe de *Novel Diſſeiſin*. Et covient q̃ ils ſoient mis en l'Aſſiſe ambideux, auxybien l'Alienor come l'Alienee: & non abſtant que le Alienour devie maintenant, uncore ceſtuy que ad droit avera vers le Alienee ſole Aſſiſe, come ſil uſt eſte ſon ſimple Tenant

If he be alien in fee, for Term of life, or in tail, all or parcel of the Land which he holds by Elegit, if the Alienation be made within the term or after, he who hath right ſhall have againſt him an Aſſiſe of Novel Diſſeiſin. And they both muſt be put in the Aſſiſe, the Alienor and the Alienee: And though the Alienor die preſently, yet he who hath right ſhall have Aſſiſe againſt the Alienee alone, as if the Alienee had been a plain Tenant for term of Years. And

that

hat is by the equity of the Statute of Weſtm. 2. cap. 25. for that he hath but a Chattel in effect. And the ſame Law is of his Executors, and of him who hath his Eſtate, as is aforeſaid.

In Elegit, if the Sheriff return that the party hath nothing the day of the Recogniſance made, but that he purchaſed Lands after the time, then the Plaintiff ſhall have a new Writ to have Execution thereof. The ſame Law is of a Statute-Merchant.

After a Fieri facias a Man may have the Elegit, but not contrariwiſe; for that the Elegit is of a higher nature than the Fieri facias.

If a Man recover by a Writ of Debt, and ſue a Fieri facias, and the Sheriff return that the Defendant hath nothing whereof he may ſatisfie the Debt to the party; then the Plaintiff ſhall have Elegit, or Capias ſicut alias, and a Pluries. And if a Sheriff return at the Capias, Mitto vobis corpus, and he have nothing whereof he may make ſatisfaction to the party, he ſhall be ſent to the priſon of the Fleet, and there abide until he have made Agreement with the party: And if the Sheriff return Non eſt inventus, then there ſhall go forth an Exigent againſt him.

Note well, That in a Writ of Debt brought againſt a Parſon, who hath nothing of Lay-fee, and the Sheriff returns that he may not be ſummoned; then ſhall the Plaintiff ſue a Writ to the Biſhop,

Weſtm. 2. cap. 25. pur ceo que il ad forſque Chattel en effect. Et meſme le Ley eſt de ſes Executors, & de ceſtuy que ad ſon Eſtate, come eſt ſuiſdit.

En *Elegit*, ſi le Viſcount retorne que le partie avoit riens jour de la Recogniſance fait, mes que il purchaſe Terres puis le temps; adonques le Plaintiff avera novel Bre de aver Execution de ceo. Meſme le Ley eſt ſur un Statute-Merchant.

Apres le *Fieri facias* un home poit aver le *Elegit*, mes non cont'; entant que *Elegit* eſt de pluis hault nature que le *Fieri facias*.

Si home recover per Brief de Det & ſue un *Fieri facias*, & le Viſcount return que le Defendant nad riens dont il poit fair Gree a le partie; donques le Plaintiff avera un *Elegit*, ou un *Capias ſicut alias*, & *Pluries*. Et ſi Viſcount returne a le *Capias*, *Mitto vobis Corpus*, & il nad riens dont il poit fair gree al partie; il ſerra maund al gaole del Fleet, & illonques demurre tanque il ad fait Gree al partie: Et ſi le Viſcount returne *Non eſt inventus*, adonques iſſera le *Exigent* envers luy.

Nota, Que en Brief de Det port devers parſon, que nad rien de Lay-fee, & le Viſcount returne que il nad riēs per que il poit eſtre ſummoñ; adonques le Plaintiff ſuera Brief al Eveſque, que

que il face vener ſon Clerk, & l'Eveſque luy ferra vener per Sequeſtration del Eſgliſe.

Et ſi home port Brief de Det, & recover, & face ſes Executors, & devie; ils naveront Execution, non obſtant que il ſoit deins le an, per un *Fieri facias.*

Eſt un aut' ſort de *Elegit* ſur adjudgant de Execution envers Ter-Tenants, Quel *Elegit* recite les Terres envers queux Execution eſt adjudge & maund al Viſcount a deliver al Creditor un moyety de ceux terres & rien en c̄ eſt mention des biens ou chateaux come en auters *Elegits.*

to cauſe his Clerk to come, and the Biſhop ſhall make him come by Sequeſtration of the Church.

And if a Man bring a Writ of Debt, and recover, and make his Executors, and die; they ſhall not have Execution, notwithſtanding it be within the Year, by a Fieri facias.

There is another ſort of Elegit upon adjudging Execution againſt Ter-tenants, which Elegits recite the Lands againſt which Execution is adjudged, and commands the Sheriff to deliver to the Creditor a moiety of thoſe Lands, and nothing is therein mentioned of any Goods or Chattels as in the other Elegits.

Elopement.

E*Lopement* eſt, quant feme eſpouſe departa de ſon baron ove un Adulterer, & ove le Adulerer demurra, ſans voluntarie Reconcilement a ſa baron, per ceo el perdra ſa Dower, per le Statute de *Weſim.* 2. *cap.* 34. Sur que ceſt veil Verſe.

Sponte virum mulier fugiens,
& adultera facta,
Dote ſua careat, niſi ſponſo
ſponte retracta.

Elopement.

ELopement is, when a married Woman departs from her Husband, and dwells with an Adulterer, for which, without voluntary reconcilement to her Husband, ſhe ſhall loſe her Dower, by the Statute of Weſt. 2. cap. 34. Whereupon is this old Verſe,

(leaves,
The woman that her husband
And with Adult'ry is defil'd.
Her Dower ſhe ſhall want, unleſs
She firſt to him be reconcil'd.

Embleaments.

Mbleaments are the Profits of the Land which have been wed; and in ſome Caſes he ho ſowed them ſhall have em, and in ſome not: As Tenant for Life ſow the and, and afterwards die, e Executors of the Tenant Life ſhall have the Emaments, and not he in Reerſion.

But if Tenant for Years the Land, and before that hath reaped his Term exres; there the Leſſor or he Reverſion ſhall have the mbleaments. If one diſſeis me, and cuts the Emaments growing upon the and, and afterwards I reter: I ſhall have an Action Treſpaſs againſt him for e Embleaments: But if y Diſſeiſor makes a Feoffent in Fee, or Leaſes the and whereof he diſſeiſed me, d the Feoffee or Leſſee takes e Embleaments, and after I enter; I ſhall not have reſpaſs Vi & armis againſt em who come in by Title, t againſt my Diſſeiſor. Cok. . 11. fol. 51.

If a Woman Copyholder, ring her Widowhood, accorng to the Cuſtom of the Manno, ſows the Land, and fore ſeverance of the Emblearnts ſhe takes a Husband; e Lord ſhall have the Emblenents. So if a Woman ſeid of Land during her Widowd makes a Leaſe for Years d the Leſſee ſows the Land, d the Woman takes a Huſ-

Emblements.

E*Mblemento* ſont les Profits de Terre que ad eſtre ſemy; & en aſcun Caſes ceſtuy que ceo emblea eux avera, & en aſcuns nemy come ſi Tenant pur vie emblea le Terre, & apres moruſt, les Executors del Tenant pur vie avera les *Emblements*, & nemy ceſtuy en Reverſion.

Mes ſi Tenant pur ans emblea le Terre, & devant que il ad ſever, ſon terme expire; ore le Leſſor ou ceſtuy en Reverſion avera les Emblements. Si un diſſeiſe moy, & ſuccide les Emblements creſſans ſur le Terre, & puis jeo re-enter; jeo avera Action de Treſpaſſe vers luy pur les Emblements: Mes ſi mon Diſſeiſor fait Feoffment en Fee, ou leſſa le Terre dont il moy diſſeiſiſt, & le Feoffee ou Leſſee priſt les Emblements, & puis jeo re-enter; jeo navera Treſpaſſe *Vi & armis* vers eux queux veignont eins per Title, mes vers mon Diſſeiſor, *Cok. lib.* 11. *fol.* 51.

Si feme Copiholder, *durante Viduitate ſua*, ſolonque le Cuſtome del Mannor, emblea le Terre, & devant le ſeverance des Emblements el priſt baron; le Sũr avera les Emblement. Iſſint ſi feme ſeiſie de Terre *durante Viduitate* fait un Leaſe pur ans, & le Leſſee emblea le Terre, & puis la feme priſt baron; ore le Leſſee navera

les

les Emblements, coment que ſon Eſtate eſt determine per le act dun eſtranger.

Et nient obſtant que eſt communement tenus en noſtre Livres, Que ſi home leſſa Terres a volunt, & puis le Leſſee emblea le Terre, & puis le Voiunt eſt determine, que le Leſſee avera les Emblements; uncore ſi le Leſſee luy meſme determine le Volunt devant le ſeverance des Blees, il navera les Emblements. Veies *Cok. lib.* 5. *fol.* 116.

band; there the Leſſee ſhall not have the Emblements, altho his Eſtate be determined by the act of a ſtranger.

And although it is commonly held in our Books, That if a Man leaſes Lands at will, and after the Leſſee ſows the Land, and the Will is determined, that the Leſſee ſhall have the Emblements; yet if the Leſſee himſelf determines the Will before the ſeverance of the Corn, he ſhall not have the Emblements. See Cok. lib. 5. fol. 116.

Embraſour, ou Embraceour.

Embraſour, or Embraceour.

E*Mbraſour*, ou *Embraceour*, eſt celuy que, quant un matter eſt en trial perent' partie & partie, vient al Barre ove un del parties, (ayant receive aſcun Reward pur iſſint faire) & parle en le caſe, ou priviment labor le Jurie, ou eſtoia la pur ſurveier ou ſurview eux, per ceſt meanes de mitter eux en pavor & dout del matt'. Mes homes erudite en Ley poiēt perler en le caſe pur lour Clients.

EMbraſour, or Embraceour, is he that, when a matter is in trial between party and party, comes to the Bar with one of the parties (having received ſome reward ſo to do) and ſpeaks in the caſe or privily labours the Jury or ſtands there to ſurvey or overlook them, thereby to put them in fear and doubt of the matter. But perſons learned in the Law may ſpeak in the caſe for their clients.

Embarian

Emparlance.

EMparlance is, when a man being to answer to a Suit or Action, desires some time of Respite, to advise himself the better what he shall answer: and it is nothing else but a Continuance of the Cause until a farther day.

And though the Plaintiff (in the Kings Bench) after the Barr pleaded, hath time to reply two or three Terms after; yet no mention shall be made in the Roll of any Emparlance or Continuance, but the Entry shall be general, and so intended to be the same Term. But it is otherwise with a Barr, for it contains the Emparlance or Continuance, and is in this manner: And now at this day, that is, Friday, &c in the same Term, untill which day the aforesaid A. had licence to imparle, &c.

But there is no such Entry upon any Replication or Rejoynder. See Coke lib. 5. fol. 75.

Brit. cap. 53 uses this word for the Conference of a Jury upon the business to them committed. There is a special Imparlance also for a Defendant salvis sibi omnibus & omnimodis exceptionibus ad breve & narrationem, or ad billam, which is of use where the Defendant is to plead some matters which cannot be pleaded after a general imparlance.

Encheson.

ENcheson is a French word much used in our Law Books, as in the Statute of 50 E. 3. cap. 3. and it signifies as much as the Occasion, cause, or reason for which any thing is done. So it is used by Stam-

Emparlance.

E *Mparlance* est, quant home estеant a responder al Action ou Suit, pria ascun temps de Respite, de luy mesme adviser le mi ux que il respondera: & nest aut' forsq̃ Continuance del Cause al un jour ouster.

Et coment le Plaintiff (en Banke le Roy) apres le Barre plede, ad jour de rep'y deux ou trois Termes aps; uncor nul mention serra fait en le Rolle dascun Emparance ou Continuance, mes l' Entry serra generalment, & entēd destr̃ mesm̃ le Term̃. Mes autrm̃t est de un *Barre*, car ceo containe l' Imparāce ou Continu nce, & est en tiel forme: *Et modo ad hunc d em, scilicet, diem* Veneris &c. *isto eodem Termino, usq; ad quem diem prædictus* A. *habuit licentiam interloquendi, &c.*

Mes nul tiel Entrie est la fait sur ascun Replica ion ou Rejoynde. Veies *Cok. lib. 5. fol.* 75.

Brit. cap. 53. usa cest pol pur le Conference dun Jurie sur le Cause a eux commise.

Est un special Imparlance auxi pur un Defendant *salvis sibi omnibus & omnimodis exceptionibus ad breve & narrationem*, ou ad billam, Quel est use lou le Defendant doit plede ascun matters queux ne poient estre plede puis general Imparlance.

Encheson.

E *Ncheson* est un pol *Francois* mult use ē les Livres de nr̃e Ley, cōe ē le Srature 50 *E.* 3 *cap.* 3. & signifie tant come Occasion, cause, ou reason pur que ascun chose est fait. Issint est use p *Stamford, lib.*

1. *cap.* 12. en ſon deſcription dun *Deodand.*

ford, lib. 1. cap. 12. in his deſcription of a Deodand.

Encrochment.

ENcrochment venuſt dl parol *Francois Acrocher*, id eſt, Apprehendere: Et ſignifie un Illoyal gainer ſur le droit ou poſſeſſiō dun aut'. Et iſſint Rent eſt dit eſtr̄ *encroch*, qūt le Sñr per coercion del Diſtreſſe ou auterment compel le Tenant pur paier plus Rent que beſoigne, ou que doit. Veies *Bucknal's Caſe*, 9 *Rep. fol.* 33. Iſſint quant home miſt ſon Hay ou Mure en le terre ſon vicine que giſt prochein a luy, il eſt dit pur *incrocher* ſur luy.

Encrochment.

ENcrochment comes from the French word Acrocher, that is, to pull or draw to: And it ſignifies an Unlawfull gaining upon the right or poſſeſſion of another. And ſo a Rent is ſaid to be encroched, when the Lord by Diſtreſſe or otherwiſe compells the Tenant to pay more Rent than he ought, or than he need. See Bucknal's Caſe, 9 Rep. fol. 33. So when a man ſets his Hedge or his Wall too far into the land or ground of his neighbour that lies next him, he is ſaid to incroch upon him.

Enditement.

ENditement venuſt del *Francois Enditer*, id eſt, Indicare. Et eſt un Bill ou Declaration en forme del Ley, exhibit p voy del Accuſatiō vers hōe pur aſcun Offence ou criminal ou penal, & preferre as Jurors, & per lour Verdict trove & preſentus deſtre voyes devant un Judge ou Officer que ad poyar de punier ou certifier l'Offence.

Enditement, or Indictment.

INdictment comes of the French Enditer, that is, to ſet a man out as he is. And it is a Bill or Declaration in form of Law, exhibited by way of Accuſation againſt one for ſome offence either criminal or penal, and preferred to Jurors, and by their Verdict found and preſented to be true before a Judge or Officer that hath power to punish or certifie the Offence.

Endowment.

ENdowment (*Dotatio*) ſignifie properm̄t le Doner ou aſſurer del Dower al fem̄. Mes eſt aſcun foits uſe p un Metaphor pur le Mitter hors ou ſeverance dun ſufficient part ou portion al un Vicar pur ſon perpetual maintenance, quant le Benefice eſt appropriе. Et iſſint eſt uſe en les Statutes 15 *R.* 2. *cap.* 6. & 4 *H.* 4. *cap.* 12.

Endowment.

ENdowment (Dotatio) ſignifies properly the Giving or aſſuring of Dower to a woman. But it is ſometimes by a Metaphor uſed for the Serting out or ſevering of a ſufficient part or portion to a Vicar for his perpetual maintenance, when the Benefice is appropriated. And ſo it is uſed in the Statutes of 15 R. 2. cap. 6. and 4 H. 4. cap. 12.

Endow-

Endowment de la pluis belle part.

ENdowment de la, &c. is, when a man dies ſeiſed of ſome Lands held in Knights-ſervice and others in Soccage, the Endow is ſped of her Dower rather in the Soccage-Lands, as the faireſt Part. Of this ſee Littl. lib. 1. cap 5.

Enfranchiſement.

ENfranchiſement is, when a man is incorporated into any Society or Body politick. So if an Alien born be made Denizon of England, he is ſaid to be enfranchiſed; and he that is made a Citizen of London, or other Town Corporate; becauſe he is made partaker of thoſe Liberties which belong to the Corporation whereunto he is enfranchiſed.

And when a man is enfranchiſed into a City or Borough, he hath a Free-hold in his Freedom for his life, and with others in their politick capacity, hath Inheritance in the Land of the ſaid Corporation: wherefore the thing which ſhall be the cauſe of his Diſ-infranchiſement ought to be an Act or Deed, and not only an Endeavouring or enterpriſing, whereof he may repent before it be put in execution. And what ſhall be ſufficient cauſe to diſ-infranchiſe a Free-man, and what not, ſee Cok. lib. 11. in Bagg's Caſe, fol. 98.

Engleſherie.

ENgleſherie, or Engleçerie, is an old word, which ſignifies the being an Engliſhman; For in ancient time, as appears by Bracton lib. 3. Tract. 2. cap. 15. fol. 134. if a man had been ſlain or murthered, he was accounted to

Endowment de la pluis belle part.

E*Ndowment de la, &c.* eſt, quant un home muſt ſeiſe de aſcun Terres tien en Chivalry & de auters ē Soccage, la Vidue eſt accōmode de ſō Dower ē les Trs tien en Soccage, come le *pluis belle part.* Veies *Littl. lib.* 1. *cap.* 5.

Enfranchiſement.

E*Nfranchiſement* eſt, quant hōs eſt ēcorporate ē aſcun Societie ou Corps politiq̄. Iſſint ſi Alien nee ſoit fait Deniſon d̄ *Angleterre*, il eſt dit deſtre *enfranchiſe*; & ceſtuy q̄ eſt fait un Citizen de *Londres*, ou aut' Ville Corporate; pur ceo que il eſt fait pnour de ceux Franchiſes queux appent al Corporation en que il eſt *enfranchiſe.*

Et quant home eſt enfranchiſe ē un Citie ou Borough, il ad Frank-tenement en ſon Freedom pur ſon vie, & ove auters en lour politique capacitie, ad Enheritance en les Terres del dit Corporation: pur que le matter que ſerra cauſe d̄ ſon Diſ-infranchiſement covient eſtre un Act ou fait, & nemy Conation ou enterpriſe, dont il poit repent devant l'Execution d̄ ceo. Et que ſerra ſufficient cauſe de diſ-infranchiſer un Frank home, & que nemy, veies *Cok. lib.* 11. en *Bagg's Caſe, fol.* 98.

Engleſherie.

E*Ngleſherie*, ou *Engleceria*, eſt un veil parol, q̄ riens aut' imply forſq; deſtf un home *Anglois*: Car en auncient rēps, come appiers p *Bracton*, *lib.* 3. *Tract.* 2. *cap.* 15. *fol.* 134. ſi un home ad eſte tue ou murdre il

ſuit account deſtr̃ *Francigena*; quel pol emplia cheſc' Alien, jeſque *Engleſherie* ſuit prove, ceo eſt jeig; il ſuit fait manifeſt que il ſuit un home *Anglois*: Le commencement de quel ſuit tiel:

Kanutus, le Roy des *Danes*, ayant eſtablie ſon Eſtre cy en peace, al prier de noſtre Barons diſcharga le Terre de ſes Armies, en que il repoſa ſon greinder ſafetie, ſur ceſt condition, Que les Barons voilent doner conſent a un Ley, Que quecunque tuera un Alien, & ſuit attache, & ne puit luy meſm̃ acquiter, ſerroit ſubject al Juſtice: Mes ſi le Homicide eſcapa, le Ville ou le home ſuit occide forfeitera 66. Merques al Roy: & ſi le Ville ne ſuit able de ceo paier, donque le Hundred forfeitera & paiera ceo al Treaſure le Roy. & ouſter, Que cheſcun home murdre ſerroit account *Francigena*, ſinon que *Engleſherie* ſuit prove; & coment il ſerroit prove, veies *Bracton* ẽ meſme le *cap. num* 7. Aux' veies *Horn's Mirrour de Juſtices, l.* 1. *cap.* de *Office del Coroner*, & *Fleta, l.* 1. *c.* 30. Ceſt *Engliſherie*, p̃ les abuſes & torts q̃ tuerõt enaps pceive a ſurd d ceo, ſuit tout ouſterment aboliſh p Statute *Anno* 14 E. 3. *c.* 4. Veies *Coke, l.* 7. *f.* 16. *Calvin's* Caſe.

be Francigena; which word implies every Alien, until Engleſherie were proved, that is, until it was made manifeſt that he was an Engliſhman: The original whereof was this:

Kanutus, the Daniſh King, having eſtabliſhed his Eſtate here in peace, at the requeſt of our Barons, diſcharged the Land of his Armies, wherein, he repoſed his greateſt ſafety upon this condition, That the Barons would give conſent to a Law, That whoſoever ſhould kill an Alien, and was apprehended, and could not acquit himſelf, ſhould be liable to Juſtice: But if the Man-ſlaier eſcaped, the Town where the man was ſlain ſhould forfeit ſixty ſix Marks to the King; and if the Town was not able to pay it, then the Hundred ſhould forfeit and pay this to the King's own Treaſury: and farther, that every man murthered ſhould be accounted Francigena, unleſs Engleſherie were proved; and how it ſhould be proved, ſee Bracton in the ſame cap. num. 7. Alſo ſee Horn's Mirrour of Juſtices, l. 1. cap. of the Office of Coroners, and Fleta, l. 1. c. 30. This Engleſherie, for the abuſes and grievances which were afterwards perceived to ariſe therefrom, was utterly aboliſhed by Stat. An. 14 E. 3. c. 4. See Coke, l. 7. f. 16 Calvin's Caſe.

Enheritance.

E*Nheritance* eſt tiel Eſtate en Tres ou Tenem̃ts, ou autres choſes. q̃ poẽt eſtre inherit p le Heir; ſcil ceo d'Eſtate ẽ Fee-ſimple, ou Taile, p Diſcẽt d'aſc' de ſes Anceſt', ou p ſon Purchaſe demeſne.

Enheritance.

ENheritance is ſuch Eſtate in Lands or Tenements, or other things, as may be inherited by the Heir; whether it be eſtate in Fee-ſimple, or Tail by Diſcent from any of his Anceſtors, or by his own Purchaſe.

And

And it is divided into Enheritance Corporate, and Enheritance Incorporate.

Enheritance Corporate are Meſſuages, Lands, Meadows, Paſtures, Rents, and ſuch like, that have ſubſtance in themſelves, and may continue always: And theſe are called Corporal things.

Enheritance Incorporate are Advowſons, Villains, Ways, Commons, Courts, Fiſhings, and ſuch like, that are or may be appendant or appurtenant to Enheritance Incorporate.

Et eſt divide en Enheritance Corporate, & Enheritance Incorporate.

Enheritance Corporate ſont Meſſuages, Terres, Prees, Paſtures, Rents, & riels ſemblables, que ont ſubſtance en eux meſmes, & poient continuer tout temps: Et ceux ſont appel choſes Corporal.

Enheritance Incorporate ſõt Advowſons, Velleines, Ways, Cõmons, Courts, Piſcaries, & riels ſẽblables, q̃ ſõnt ou poient eſtr̃ appendant ou appurtenãt al *Enheritance Incorporate.*

The Eldeſt part.

ENitia or Einecia pars from the French Word Aiſneeſſe, i. e. dignitas primogeniti, and is that Part which, upon Partition among Coparceners, falls to the Eldeſt Siſter or ancienteſt Coparcener, as it appears by Littleton, ſect. 245. And it is called Enitia pars from the French word Eigne or Aiſne, that is, the Firſtborn.

Enitia pars.

E*Nitia aut Einecia pars*, del francois parol *Aiſneeſſe*, i. e. *dignitas primogeniti*, & eſt ceo Part que, ſur Partition enter Coparceners, eſchue al eigne Soer ou eigne Coparcener, cõe appiert p *Littleton, ſect.* 245. Eſt appelle *Enitia pars* del parol *Francois Eigne* ou *Aiſne*, id eſt, *Primogenitus.*

Enqueſt.

ENqueſt is that Inquiry which is made by Jurors in all Cauſes civil or criminal touching the matter in Fact. And ſuch Inquiry is either ex officio, which are called Inqueſts of Office, and are traverſable, or at the miſe of the parties. This word is uſed in the Statutes of 25 E. 3. c. 3. 28 E. 3. c. 13. and almoſt in all Statutes that ſpeak of Trials by Jurors.

Enqueſt.

E*Nqueſt* eſt ceo Inquirie q̃ eſt fait p Jurors en touts Cauſes civil ou criminal touchant le matter en Fait. Et riel Enqueſt eſt aſcun ſoits *ex officio*, queux ſont appells Enqueſts d̃ Office, & ſont traverſable, & aſcun foits ex piece partium. Ceſt parol eſt uſe en les Statutes de 25 *E.* 3 *c.* 3. 28 *E.* 3. *c.* 13. & fere in touts Statutes queux parlont des Trials per Jurors.

Entendent.

ENtendment is an uſual word in our Law, when a thing is in doubt, then by Entendment it hall ſometimes be made good.

Entendment.

E*Ntendment* eſt un common parol en nr̃e Ley, quant aſcun choſe eſt en auruſt, donque p *Entendment* il ſerra aſcun

ſoits fait bone. Come ſi Inquiſition ſoit trove devant le Coroner, q̄ un hõe fuit murdre al *A.* q̄ eſt un Franchiſe, & nett dit en le Inquiſition al *A.* deins le Franchiſe de *A.* uncore ceo ſerra bone p *Entendment*; car padventure le Franchiſe poit exte d ouſter le Ville, mes q̄ le Ville meſm̄ ſerra preſume deſtre hors del Franchiſe d̄l Ville, eſt un captious conſtruction: p̄ q̄ l'Inquiſition ſerra bone per Entendm̄ent. *Coke l.* 5. *f.* 121. Veies *Kitch. f.* 224.

As if an Inquiſition be found before a Coroner, that a man was murthered at A. which is a Liberty, and is not ſaid in the Inquiſition at A. within the Liberty of A. yet it ſhall be good by Entendment; for peradventure the Liberty may extend beyond the Town, but that the Town it ſelf ſhall be preſumed to be out of the Liberty of the Town, is a captious conſtruction: wherefore the Inquiſition ſhall be good by Entendment. Coke, l. 5. f. 121. See Kitch. f. 224.

Enterpleader.

Enterpleader.

E*Nterpleader* eſt quant en aſcun Cauſe un choſe eſchia q̄ de neceſſitie doit eſtre diſcuſſe devāt le principal Cauſe poit eſtre determine: Pur example, Deux p̄ſons ſont trove Heire al Tre p deux ſeveral Offices en un Countie, p ceo le Roy eſt en auruſt a q̄ il ſerra Liverie, p̄ quel cauſe, devant q̄ Liverie ſoit fait, il voile eux aver *enterpleader*, & p ceo determine que eſt le droit Heir. Veies *Coke l.* 7. *f.* 45. *Stamf. Prer. c.* 19. *Brooke, tit. Enterpleader.*

ENterpleader is, when in any Cauſe a matter happens which of neceſſity ought to be diſcuſſed before the principal Cauſe can be determined: For example, Two perſons be found Heir to Land by two ſeveral Offices in one County, by this the King is in doubt to whom he ſhall make Livery, for which cauſe, before Livery made, he will have them interplead, and thereby determine who is the right Heir. See Coke, l. 7. f. 45. Stamf. Prer. c. 19. Brooke, tit. Enterpleader.

Auxi eſt un auter ſort de Enterpleader en detinue en diverſe caſes, queux veies en *Raſt. Entr.* 213.

Alſo there is another ſort of Interpleader in Detinue in divers caſes, which ſee Raſt. Entries 213.

Entire Tenancie.

Entire Tenancie.

E*Ntire Tenancie* eſt ceo que eſt contrarie al Several Tenancie, & implie un Sole poſſeſſion en un hõe, ou laut' implia Joynt ou common en pluſors. Veies *Brooke, Several Tenancy*, & le Veil Livre de *Entries*, ſouth ceſt Title.

ENtire Tenancie is that which is contrary to ſeveral Tenancy, and ſignifies a ſole poſſeſſion in one man, where the other ſignifies Joynt or common in more. See Brooke, Several Tenancies, and the Old Book of Entries, under this Title.

Entrie.

Entrie.

ENtrie is, where a man enters into any Lands or Tenements, or takes possession of them.

Also there are divers Writs of Entry which are in divers manners. One is a Writ of Entrie sur Disseisin, which lies where a man is disseised, he or his Heir shall have this Writ against the Disseisor, or any other after Tenant of the Land. And if the Disseisor alien, and die seised, then the Writ of Entrie shall be against the Heir and the Alienee in the Per; viz. in which the Tenant hath no Entry but by such a one, naming the Disseisor, who him hath disseised, &c.

If the Heir or Alienee die seised, or alien to another, then the Writ shall be in the Per and Cui; viz. to which the Tenant hath no Entry but by such a one, naming the Heir or Alienee of the Disseisor, to whom such a one (naming the Disseisor) did let it, who by force disseised him, &c.

And if Land be conveyed over to many, or if the first Disseisor be disseised, then the Writ of Entry shall be in the Post; viz. that the Tenant hath no Entry but after the Disseisin, which the first Disseisor made to the Demandant or his Ancestor. See Entre en le Per.

Entrie in the *Per*, *Cui*, and *Post*.

A Writ of Entrie in the Per lies where a man is disseised of his Free-hold, and the Disseisor aliens, or dies seised, and his Heir enters, then the Disseisee or his Heir shall have the said Writ against the Heir of the Dis-

Entre.

E*Entre* est, lou un home enter en ascun Tres ou Tenements, ou prist possession d̄ ceux.

Auxy sont divers Bres d̄ *Entre* queux sont en divers manners. Un est Bre d' *Entre sur Disseisin*, que gist lou home est disseise, il ou son Heir l'avantdit Brief avera vers mesme le Disseisor, ou asc' auter apres Tenant del Terre. Et si le Disseisor alien, ou devie seisie donques le Bre d' *Entre* serra vers l'Heir oves q̄ l'Alienee ē le *Per*; cest adire, ē q̄ le Tenant non habet Ingressum nisi *per* tiel, nosmant le Disseisor, q̄ luy avoit disseisie, *&c.*

Si l'Hier ou Alience devie seisie, ou allena al auter, donques le Bre serra en le *Per* & *Cui*; cest adire, en q̄ le Tenant non habet Ingressum nisi *per* tiel (nosmant l'Heire ou l'Alienee del Disseisor) il dimisit, q̄ luy p̄ tort disseisie, *&c.*

Et si Tre soit convey ouster al plusors, ou si le primer Disseisor soit disseisie, donq̄ le Bre d'*Entre* serra ē le *Post*; cest adire, q̄ le Tenant non habet Ingressum nisi *post* Disseisinam, quel le prim̄ Disseisor fait al Demandant ou son Ancestor. Veies *Entre en le Per.*

Entre en le Per, Cui & Post.

BRief d'*Entre en le Per* gist lou hōe est disseise d̄ sun frank-tenement, & le Disseisor alien, ou devie seisie, & son Heire entra, donques le Disseisee ou son Heir avera le dit Bre vers l'Heire le Disseisor,

ſor, ou vers l'Alienee le Diſſeiſor; mes vivant le Diſſeiſor, il poit aver Aſſiſe, ſi il voile, & le Bꝛe d'Entre dirra, *In quod* A. *non habet Ingreſſum niſi* per B, *qui illud ei dimiſit, qui inde eum injuſte diſſeiſivit, &c.* Mes ſi le Diſſeiſor alien, & l'Alienee devie ſeiſie, ou alien ouſter a un aut', ou ſi le Diſſeiſor devie, & ſon Heire entra, & celuy Heire aliena ou devie, & ſon Heire entra; Donques le Diſſeiſee ou ſon Heire avera Bꝛe d'*Entre ſur Diſſeiſin* en le *Per* & *Cui*, & le Bꝛe dirra, *In quod idem* A. *non habet Ingreſſum niſi* per B. cui C. *illud ei dimiſit, qui inde injuſte, &c.*

Brief d'Entre en le Per & Cui ſerra mainteinable vers nul Juy, me lou le Tenant ſoit eins p Purchaſe ou per Diſcent: Car ſi l'Alienation ou Diſcent ſoit devenus hors des Degrees, ſur quel nul Bꝛe poit eſtre fait en le *Per*, ne en le *Per* & *Cui*, donques ſerra fait ē le *Poſt*, & le Bꝛe dirra, *In quod* A. *non habet Ingreſſum niſi* poſt *Diſſeiſinam, quam* B. *inde injuſte & ſine judicio fecit præſ.* N. *vel* M. *proavo* N. *cujus hæres ipſe eſt.*

Auxy ſont cinque choſes q̄ mittront le Bꝛe d'*Entre* hors des Degrees; ceſt adire, Intruſion, Succeſſion, Diſſeiſin ſur Diſſeiſin, Judgment, ou Eſcheat.

1. *Intruſion* eſt, quant le Diſſeiſor devie ſeiſie, & un eſtranger abata.

2. *Diſſeiſin ſur Diſſeiſin* eſt, quant le Diſſeiſor eſt Diſſeiſe, p un aut'.

3. *Succeſſion* eſt, lou le Diſſeiſor eſt un home de Religion, & devie, ou eſt depoſe, & ſon Succeſſor entra.

ſeiſor, or againſt the Alienee of the Diſſeiſor; but living the Diſſeiſor, he may have an Aſſiſe, if he will, and the Writ of Entry ſhall ſay, In quod *A.* non habet Ingreſſum niſi *per B.* qui illud ei dimiſit, qui inde eum injuſte diſſeiſivit, &c. But if the Diſſeiſor alien, and the Alienee dies ſeiſed, or aliens over to another, or if the Diſſeiſor dies, and his Heir enters, and that Heir aliens or dies, and his Heir enters, then the Diſſeiſee or his Heir ſhall have a Writ of Entre ſur Diſſeiſin in the Per and Cui, and the Writ ſhall ſay, In quod idem *A.* non habet Ingreſſum niſi *per B. cui C.* illud ei dimiſit, qui inde injuſte, &c.

A Writ of Entry in the Per and Cui, ſhall be maintainable againſt none, but where the Tenant is in by Purchaſe or Diſcent: For if the Alienation or Diſcent be put out of the Degrees, upon which no Writ may be made in the Per, or in the Per and Cui, then it ſhall be made in the Poſt, and the Writ ſhall ſay, In quod *A.* non habet Ingreſſum niſi *Poſt* Diſſeiſinam quam *B.* inde injuſte & ſine judicio fecit præſat. *N.* vel *M.* proavo *N.* cujus hæres ipſe eſt.

Alle there are five things which put the Writ of Entrie out of the Degrees. viz. Intruſion, Succeſſion, Diſſeiſin upon Diſſeiſin, Judgment, and Eſcheat.

1. Intruſion is, when the Diſſeiſor dies ſeiſed, and a ſtranger abates

2. Diſſeiſin upon Diſſeiſin is, when the Diſſeiſor is diſſeiſed by another.

3. Succeſſion is, when the Diſſeiſor is a man of Religion, and dies, or is depoſed, and his Succeſſor enters.

4. Judg

4. Judgment is, when one recovers against the Diſſeiſor.

5. Eſcheat is, when the Diſſeiſor dies without Heir, or doth Felony, whereby he is attaint, by which the Lord enters as in his Eſcheat.

In all theſe caſes the Diſſeiſee or his Heir ſhall not have a Writ of Entrie within the degrees of the Per, but in the Poſt, becauſe in thoſe caſes they are not in by Diſcent, nor by Purchaſe.

Entrie ad Communem Legem.

Alſo there is a Writ of Entrie ad Communem Legem, which lies where Tenant for term of Life, Tenant for term of anothers Life, Tenant by the courteſie, or Tenant in Dower, aliens and dies, he in the Reverſion ſhall have this Writ againſt whomſoever is in after in the Tenement.

Entrie in the Caſe provided.

A Writ of Entrie in Caſu proviſo lies, if Tenant in Dower alien in fee, or for term of life, or for anothers life, living the Tenant in Dower; he in the Reverſion ſhall have this Writ, which is provided by the Stat. of Gloc. c. 7.

Entrie in Caſu conſimili.

A Writ of Entrie in Caſu conſimili, lies where Tenant for life or Tenant by the courteſie, aliens in Fee; he in Reverſion ſhall have this Writ, by the Statute of Weſtmin. 2. cap. 24.

4. *Judgement* eſt, quant un recover vers le Diſſeiſor.

5. *Eſcheat* eſt, quant le Diſſeiſor devie ſans Heire, ou fait Felonie, per q̄ il eſt attaint, p q̄ le Seignior entra come ē ſon Eſcheat.

En tout ceux caſes le Diſſeiſie ou ſon Heire navera Brief d'*Entrie* deins les degrees ē le *Per*, mes en le *Poſt*, p̄ ceo q̄ en ceux caſes ils ne ſont eins per Diſcent, ne per Purchaſe.

Entre ad Communem Legem.

AUxy il y ad un Brief del *Entre ad Communem Legem*, & giſt lou Tenant a terme de vie, Tenant p le curteſie, ou Tenant en Dower, allen & devie; celuy en le Reverſion avera ceſt Bre devers quecunque q̄ ſoit eins apres en le Tenement.

Entre en Caſu proviſo.

BRief d'*Entre en caſu proviſo* giſt, ſi Tenant en Dower alien en Fee, ou p̄ terme de vie, ou p̄ aut' vie, vivant le Tenant en Dower; celuy en le Reverſion avera ceſt Bre, q̄ eſt purview p le Statute de *Gloc. c.* 7.

Entre in Caſu conſimili.

BRief d' *Entre in Caſu conſimili* giſt, ſi Tenant pur vie ou Tenant per le curteſie alien en Fee; celuy en le Reverſion avera ceſt Brief per l' Stat. de *Weſt.* 2. *cap.* 24.

Entre ad terminum qui præteriit.

BRief de *Entre ad terminum qui præteriit* gist, si un home lessa Terres a un auter pur terme de ans, & le Tenant tient ouster son terme, le Lessor avera cest Brief.

Et si Terres sont lesses a un home p̄ terme d'aut' vie, & cestuy p̄ que vie les Terres sont lesses devie, & le Lessee tient ouster; donques le Lessor avera cest Brief.

Entre sine Assensu Capituli.

BRief de *Entre sine Assensu Capituli* gist lou un Abbe, Prior, ou tiel que ad Covent ou common Seal, aliena Terres ou Tenements del droit de son Esglise, sans le Assent del Covent ou Chapter, & devie; donques son Successor avera cest Brief.

Entre causa Matrimonii præloquuti.

BRief de *Entre causa Matrimonii præloquuti* gist ou Terres ou Tenements son done a un home sur condition, que il prendra la Donour a sa feme deins certein temps, & il ne luy espousa deins la dit temps, ou espouse aut' feme, ou luy fait Priestre, ou enter en Religion, ou luy disable issint que il ne pult luy prender, accordant a le dit condition; donques la feme Donour & ses Heirs avera le dit Brief vers lui, ou vers quecunque est eins en le dit Terre. Mes cest Condition doit estre fait per Endenture, autrement cest Brief ne gist. Et touts ceux & au-

Entrie ad Terminum qui præteriit.

THe Writt of Entrie ad terminum qui præteriit, lies where a man leases Land to another for term of years, and the Tenant holds over his term; the Lessor shall have this Writ.

And if Lands be leased to a Man for term of another's life, and he for whose life the Lands are leased dies, and the Lessee holds over; then the Lessor shall have this Writ.

Entrie without Assent of the Chapter.

A Writt of Entrie sine Assensu Capituli lies where an Abbot, Prior, or such as hath Covent or common Seal, aliens Lands or Tenements of the right of his Church, without the Assent of the Covent or Chapter, and dies; then the Successor shall have this Writ.

Entrie for Marriage in Speech.

A Writt of Entrie causa Matrimonii præloquuti lies where Lands or Tenements are given to a man upon Condition, that he shall take the Donor to his wife within a certain time, and he does not espouse her within the said term, or espouses another Woman, or makes himself Priest, or enters in Religion, or disables himself so that he cannot take her, according to the said Condition; then the Donor and her Heirs shall have the said Writ against him, or against whosoever is in the said Land. But this Condition must be made by Indenture, otherwise this Writ doth not lie. And all these, and other

Writs

writs of Entry, may be made in the Per, Cui, and Post.

Entrusion.

ENtrusion, is a Writ that lies where a Tenant for Life dies seised of certain Lands or Tenements, and a Stranger enters; he in the Reversion shall have this writ against the Abator, or whosoever is in after their Entrusion.

Also a writ of Entrusion shall be maintainable by the Successor of an Abbot against the Abator, who shall enter in Lands or Tenements in the time of Vacation that belong to the Church, by the Statute of Marlebridge, the last Chapter.

And it seems the difference between an Intrudor and an Abator is this; that an Abator is he that enters into Lands void by the death of a Tenant in Fee, and an Intrudor is he that enters into Lands void by the death of a Tenant for Life or Years. See F. N. B. fol. 203.

Entrusion de Gard.

ENtrusion de Gard, is a writ which lies where the Heir within age enters in his Lands, and holds out his Lord; for in such case the Lord shall not have the Writ de Communi Custodia, but this writ of Entrusion of the ward. Old N. B.

Enure.

ENure signifies to take place or effect, to be available. As a Release shall enure by way of Extinguishment. Lit. Chap. Release.

ters Briefs d *Entre* poient estre fait en le *Per*, *Cui*, & *Post*.

Entrusion.

ENtrusion est un Brief que gist lou Tenant pur vie devie seisie de certain Terres ou Tenements, & un Estrange entra; celuy en la Reversion avera ceſt Brief vers l' Abator, ou quecunque que soit eins apres lour Entrusion.

Auxy un Brief de *Entrusion* serra maintainable pur le Successor de un Abbe vers l' Abator, que enter en ascun Terres ou Tenements *Tempore vacationis* que appent a la Esglise, per le Statute de *Marlebridge*, *cap. ultimo*.

Et il semble que le difference perenter un *Entrudor* & un *Abator* est en ceo; Que un *Abator* est celuy que entra en Terres void per le mort de un Tenant en Fee, & un *Entrudor* est celuy que entra en Terres void per le mort de un Tenant p vie ou ans. Veies *F. N. B. fol.* 203.

Entrusion de Gard.

ENtrusion de Gard, est un Brief que gist ou le Heir deins age entra en ses Terres, & tient hors son Seignior; car en tiel case le Seignior navera le Brief *de Communi Custodia*, mes ceſt Brief de Entrusion d Gard. *Veil. N. B. fol.* 50.

Enure.

ENure signifie prendre place ou effect, estre available. Come un Release *enura* per voy d'Extinguishment. *Lit. Ca. Release.*

Equitie.

Equitie.

EQuitie eſt en deux manners, & ceux de contrarie effects; car un abridge & tol le letter del Ley, l'auter enlarge, & adde a eo.

Le primer eſt iſſint define; *Equitas eſt Correctio Legis generatim latæ qua parte deficit*; le quel Correction del general pols eſt mult uſe en nre Ley. Sicome pur example Quant Act de Parliament eſt fait; quecunq; q̄ fait tiel act ſerra Felon, & ſerra miſe al mort; uncoꝝ ſi home de Non ſane memorie ou Enfant que nad diſcretion le fait, ils ne ſerront Felons, ne miſe al mort.

Auxy ſi Statute ſoit fait, Que touts perſons que receiveront, ou donerōt maunger ou boyer ou aut' aid a ceſtuy que fera tiel act, ſerront acceſſary a ſon Offence, & ſerront miſe al mort, ſi ils conuſteront del fact; uncoꝝ l'un fait tiel act, & veigne a ſa prop femm, q̄ ſciat ceo luy receive, & donne maunger & boyer a luy; el ne ſerra Acceſſary, ne Felon; car p le generalitie d les dits parols ceſtuy de Non ſane memorie, Enfant, ne feme fueront enclude en l' Entent de Ley.

Et iſſint *Equitie* correct le generalitie del Ley ē ceux caſes, & les parols generals ſont p Equitie abridge.

Laut' *Equitie* eſt defin eſtre *un Extenſion des parols de la Ley al Caſes non exprimez, ayant neantmeins la meſme raiſon.* Ainſi q̄t les parols enact un choſe, ils enact touts choſes que ſont ē ſemblables degrees. Sicōe le Statute que ordeigne,

Equity.

EQuity is in two ſorts, and thoſe of contrary effects; for the one doth abridge and take from the letter of the Law, the other doth enlarge and add thereunto.

The firſt is thus defined; Equity is the Correction of a Law, generally made in that part wherein it fails, which correction of the general words is much uſed in our Law. As for example, when an Act of Parliament is made, that whoſoever doth ſuch a thing ſhall be a Felon, and ſhall ſuffer death, yet if a Mad-man or an Infant that hath no diſcretion do the ſame they ſhall be no Felons, nor ſuffer death therefore.

Alſo if a Statute were made, That all perſons that ſhall receive, or give meat and drink, or other ſuccour to any that ſhall do any ſuch thing, ſhall be acceſſary to his Offence, and ſhall ſuffer death, if they knew of the Fact; yet one doth ſuch an act, and comes to his Wife, who knowing thereof doth receive him, and gives him meat and drink, ſhe ſhall not be Acceſſary nor Felon; for by the generality of the ſaid words, neither the Mad-man, Infant, nor Wife, were included in the intent of the Law.

And thus Equity doth correct the generality of the Law in thoſe caſes, and the general words are by Equity abridged.

The other Equity is defined to be an Extenſion of the words of the Law to Caſes unexpreſſed, yet having the ſame reaſon. So that when the words enact one thing, they enact all other things that are of like Degree. As the Statute which ordains, That

in

in an Action of Debt againſt the Executors, he that doth appear by Diſtreſs ſhall anſwer, doth extend by Equity to Adminiſtrators; for ſuch of them as appear firſt by Diſtreſs, ſhall anſwer by Equity of the ſaid Act; becauſe they are of the like kind.

So lik wiſe the Statute of Glouceſter gives the Action of Waſte, and the Penalty of it againſt him that holds for Life or Years; and by the Equity thereof a man ſhall have an Action of Waſte againſt him that holds but for one year or half a year, yet this is without the words of the Statute; for he that holds but for half a year or one year, doth not hold for years; but that is the meaning, and the words that Enact the one, by Equity Enact the other.

Que en Action de Det vers Executors, ceſtuy que vient per Diſtreſſe reſpondera, extenda per Equite al Adminiſtratours; car ceſtuy de eux que vient primes p Diſtreſſe, reſpondera per Equitie del dit Act; *quia ſunt in æquali genere.*

Iſſint le Statute de *Glouceſter* done l'Action de Waſte & le Puniſhment de ceo vers ceſtuy que tient pur vie ou ans; & per l'Equitie de ceo home avera Action de Waſte vers ceſtuy que tient forſque pur un an ou demy an, uncore ceo eſt hors del parols del Statute; car ceſtuy que tient forſque pur demy an ou un an, ne tient pur ans; mes ceo eſt l'en ent, & les parols quel enact l'un, per Equitie enacteront l'auter.

Errant.

ERrant, id eſt, Itinerars, comes from the French word Errer, id eſt, Errare, or of the old word Erre, id eſt, Iter; and is appropriated unto Juſtices that go in Circuit, and to the Bailiffs at large, who are therefore called Juſtices Errants, and Bailiffs Errants, becauſe they go and travel from place to place, the one to do Juſtice, and the other to execute Proceſs. See Eire.

Errant.

E*Rrant*, id eſt, *Itinerans*, venuſt del parol *Francois Errer*, id eſt, *Errare*, ou del vieux parol *Erre*, id eſt, *Iter*; & eſt appropriate as Juſtices que alont en Circuit, & as Bailies a large, que pur ceo ſont appelle *Juſtices Errants*, & *Bailies Errants*, eo q̃ ils alont & travaillont del un lieu al auter, l'un pur faire Juſtice, & auter per executer Proces. Veies *Eire.*

Error.

ERror is a Fault in Judgment, or in the Proceſs, or Proceeding to Judgment, or in the Execution upon the ſame in a Court of Record; which in the Civil Law is called, a Nullitie. Error is alſo the name of a Writ that lies where Judgment is given in the Common place, or before the Juſtice in Aſſiſe, or Oyer and

Error.

E*Rror* eſt un Fault en un Judgment, ou en le Proceſſe ou Proceeding al Judgment, ou ẽ Execution ſur ceo en Court de Record; quel Fault en le Civil Ley eſt appel un *Nullitie.* Auxy *Error* eſt le noſm̃ d'un Brief, & giſt lou Judgm̃t eſt doñ ẽ le Comon Banke, ou devant Juſtice en Aſſiſe, ou devant Juſtice de

Oyer

Oyer & Terminer, ou devāt le Maior ou Viſcount de *Londres*, ou en aut' Court de Record, contra le Ley, ou ſur undue ou male Proces; donques le ptie grieve avera cel Brief, & p ceo cauſera le Record & Proces deſtr̄ remove devāt les Juſtices de Bank le Roy; & la ſi l'*Error* ſoit trove, il ſerra reverſe. Mes ſi *erroneous* Judgment ſoit done en Bank le Roy, donques il ne poit eſte reverſe forſque per Parliament, tanque le Statute 27 *Eliz*, *cap.* 8.

Auxy ſi tiel Default ſoit en Judgment doñ ē Court q̄ neſt de Record, coñ en Countie, Hundred, ou Court Baron, donque le ptie avera Brief de Faux Judgment, pur faire le Record vener devant Juſtice de Common Bank Auxy ſi *Error* ſoit trove en l'Exchequer, il ſerra redreſſe per le Chauncellor & Treaſurer, ut patet p Statute *Ed.* 3. *an.* 31. *c.* 12. *&* 31 *Eliz. c.* 1.

Eſt auxi un aut' brief d'error ſur Judgm̄r en Bank le Roy: Et ceſt ou le Plaint' voil aſſigne matter ē fait pur *Error*. Et c̄ giſt ē meſme le Court, car ceſt Court poit reverſ lour errors ē fait (mes nemy lour *Errors* en ley) mes le Court de Com. B. ne poit iſſint fair. Veles 1 *W.* & *M. cap.* 4.

Eſcape.

Eſcape eſt, lou un que eſt arreſt deveigne a ſon liberty devant que il ſoit deliver p Agard de aſcun Juſtice, ou p order de Ley.

Eſcape eſt en deux ſorts; voluntarie & negligent.

Volun-

Oyer & Terminer, or before the Major and Sheriffs of London, or in other Court of Record, againſt the Law, or upon undue and ill Proceſs; then the party grieved ſhall have this Writ, and thereupon cauſe the Record and Proceſs to be removed before the Juſtices of the Kings Bench, and if the Error be found, it ſhall be reverſed. But if an erroneous Judgment be given in the Kings Bench, then it could not be reverſed but by Parliament, until the Statute of 27 Eliz. cap. 8.

Alſo if ſuch a Default in Judgment be given in a Court not of Record, as in a County, Hundred, or Court-Baron, the party ſhall have a Writ of Falſe Judgment, to cauſe the Record to be brought before a Juſtice of the Common-place. Alſo if Error be found in the Exchequer, it ſhall be redreſſed by the Chancellor and Treaſurer, as it appears by the Statute L. 3. an. 31. c. 12. & 31 El. c 1.

Alſo there is another Writ of Error upon a Judgment in the Kings Bench; and that is, where the Plaintiff aſſigns matter of Fact for Error: And this lies in the ſame Court, for this Court can redreſs their Errors in Fact, (but not their errors in Law) But the Court of common B. cannot do ſo. See 1 W. & M. cap. 4.

Eſcape.

ESCape is, where one that is arreſted comes to his liberty before he be delivered by Award of any Juſtice, or by order of Law.

Eſcape is in two ſorts; voluntary, and negligent.

Volun-

Voluntary Escape is when one doth arrest another for Felony or other Crime, and after he in whose custody he is lets him go where he will.

And if the Arrest were for Felony, then shall it be Felony in him that suffered the Escape; if for Treason, then Treason in him; and if for Trespass, then Trespass; and so in all other.

When one is arrested & after Escapes against the will of him that did arrest him, and is not freshly pursued, and taken before the pursuer loses the sight of him; this shall be said a negligent Escape, notwithstanding that he out of whose possession he escaped do take him after he have lost sight of him. And so if one be arrested and after escape, and is at his liberty, and he in whose ward he was, take him afterward, and bring him to the prison; yet it is an Escape in him.

If a Felon be arrested by the Constable, and brought to the Goal in the County, and the Goaler will not receive him, and the Constable lets him go, and the Goaler also, and so he escapes; this is an Escape in the Goaler, for that in such case the Goaler is bound to receive him by the hand of the Constable, without any Precept of the Justice of Peace. But otherwise it is, if a common person arrest another upon suspicion of Felony, there the Goaler is not bound to receive him without a Precept of some Justice of Peace.

There is an Escape also without an Arrest: as if Murder be made in the day, and the Murderer be not taken, then it is an Escape, for which the Town where the Murder was done shall be amerced.

Voluntarie Escape est, q̃n̄ un arrest auter pur Felonie ou auter crime, & puis celuy en que custodie il soit luy lesser aler lou il voit.

Et si l'Arrest suit pur Felonie, ceo serra dit Felonie ẽ cestuy que luy lesser d̃ escaper; si pur Treason, il serra Treason en luy; & si pur un Trespasse, donque Trespasse; *& sic de singulis.*

Quant un est arrest, & puis escape encounter le volunt de cestuy que luy arrest, & ne soit freshment pursu, & repris devant que le pursuor perdra le view de luy; ceo serra dit *negligent Escape*, non obstant que cestuy hors de que possession il escape luy repriſt apres le view perdu. Auxy si un soit arrest, & puis escape, & est a son libertie, & cestuy en que garde il fuist luy repriſe apres, & luy ameſne a le prison; uncore il est *Escape* en luy.

Si un Felon soit arrest per le Constable, & ameſne a le Gaol en le Countie, & le Gaoler ne voit luy receiver, & le Cõstable luy demit, & le Gaoler auxy, & issint il escape; cest est un Escape en le Gaoler pur ceo q̃ en tiel case le Gaoler est tenus de luy receiver per le main del Constable, sans ascun Precept de le Justice de Peace. Mes autermt est, si un comon pson arrest auter pur suspicion de Felony, la le Gaoler nest tenus de luy receiver sans Precept de ascun des Justices de Peace.

Il y ad un Escape auxy sans Arrest: come si Murder soit fait en le jour, & le Muderer ne soit prise, donq; il est Escape, pur que le Ville ou le Murder fuit fait serra amercie.

Et

Et eſt deſtre obſerve, Que home poit eſtre dit d eſcaper, nient obſtant q̄ il touts foits remain en Priſon. Come, ſi home ſoit en Priſon ſur deux Executiõs al Suit de deux ſeveral homes, & l' ancient Viſcount deliver ouſter cest Priſoner al novel Viſcount p Indenture, accordant al uſual manner, & en le dit Indẽture ne fait aſcun mentiõ d un des dits Executions, ceſt Omiſſiõ ſerra dit un Eſcape ẽ Ley immediatment, p̄ que le ancient Viſcount reſpondera, nient obſtant que l' Execution fuit mart' de Record, de que le novel Viſcount puit averpriſe notice. Mes aut'mt eſt lou l'anciẽt Viſcount moruſt, car en tiel caſe coviẽt al novel Viſcount a ſõ peril de prẽder notice de tout les Executions que ſont vers aſcun perſon que il trova en le Gaole: Mes en le dit caſe, ou le Viſcount moruſt, & devant que auter eſt fait, un que eſt en Execution enfreint le Gaole, & depart a large, ceo eſt nul Eſcape; car q̄t un Viſcount moruſt, tout les priſoners ſont en le cuſtodie del Ley, tanque novel Viſcount ſoit fait. Veies *Co. lib. 3. fol. 72.*

Si le Vicount ſur un *Capias ad ſatisfaciendum* a luy direct, fait Retorne *Quod cepit Corpus*, & uncore nad le Corps en Court al jour de le Retorne; le Plaintiff poit aver ſon Action vers le Viſcount pur l'Eſcape, nient obſtant que le partie iſſint priſe ſoit en le Gaole. Veles 7 *H.* 4. 11. *Br.* 107.

And it is to be obſerv'd, That a man may be ſaid to eſcape, notwithſtanding he always continues in Priſon. As, if a man be in Priſon upon two Executions at the Suit of two ſeveral men, and the old Sheriff delivers over this Priſoner to the new Sheriff by Indenture according to the uſual courſe, and in the ſaid Indenture makes no mention of one of the ſaid Executions; this Omiſſion ſhall be ſaid an Eſcape in Law inſtantly, for which the Old Sheriff ſhall anſwer, although the Execution was matter of Record, whereof the new Sheriff might have taken notice. But otherwiſe it is where the old Sheriff dies, for in ſuch caſe it behoves the new Sheriff at his peril to take notice of all the Executions that are againſt any perſon that he finds in the Goal: But in the ſaid Caſe where the Sheriff dies, and before another is made, one that is in Execution breaks the Gaol, and goes at large, this is no Eſcape; for when a Sheriff dies, all the Priſoners are in the cuſtody of the Law, until a new Sheriff be made. See Coke, lib. 3. fol. 72.

If the Sheriff upon a Capias ad ſatisfaciendum to him directed, makes Return, That he hath taken the Body, and yet hath not the Body in Court at the day of the Return; the Plaintiff may have his Action againſt the Sheriff for the Eſcape, although the party ſo taken be in the Goal. See 7 H. 4. 11. Br. 107.

Eſchcat.

Eſcheat.

ESCheat is, where a Tenant in Fee-ſimple commits Felony, for which he is hanged, or abjured the Realm, or Outlawed of Felony, Murder, or Petty Treaſon, or if the Tenant die without heir general or ſpecial; then the Lord of whom the Tenant held the Land, may enter by way of Eſcheat; or if any other enter, the Lord ſhall have againſt him a Writ called a Writ of Eſcheat.

Eſcheator.

ESCheator is the name of an Officer that obſerves the Eſcheats of the King in the County whereof he is Eſcheator, and certifies them into the Exchequer. This Officer is appointed by the L. Treaſurer, and by Letters Patents from him, and continues in his Office but one year; neither can any be Eſcheator but once in three years. An. 1. H. 8. cap. 8. and an. 3. ejuſdem cap. 2. See more of this Officer and his Authority, in Crompton's Juſtice of Peace. See An. 21 Ed. 1. The form of the Oath of the Eſcheator ſee in the Regiſt. orig. fol. 301. b. And the Eſcheator, is an Officer of Record, and may ordain an under-Eſcheator, as the Sheriff may an under Sheriff; yet the Eſcheator cannot return any Office by virtue of his Office, but he ſhall be puniſhed. See F. N. B. 100. Office Eſcaetriæ is the Eſcheatorſhip. Reg. orig. fol. 259.

Eſcheat.

EScheat eſt, lou un Tenant en Fee-ſimple face Felonie, pur que il eſt pendue, ou abjure le Realme, ou utlage de Felonie, Murder, ou Petit Treaſon, ou ſi le Tenant moruſt ſans Heire general ou ſpecial; donque le Sñr de que le Terre eſt tenus p̄ le Tenant poit enter p̄ voy de *Eſcheat*; ou ſi aſcun auter home enter, le Seignior avera vers luy un Brief appel Brief de *Eſcheat*.

Eſcheator.

EScheator eſt le noſme del Officer que regarda les Eſcheats del Roy en le Countie de que il eſt Eſcheator, & certifia ceux en le Exchequer. Ceſt Officer eſt deſigne p̄ le Sñr Treaſurer, & p̄ Letters Patents de luy, & continua en ſon Office forſq; un foits en trois ans. *Anno* 8 *H.* 8. *cap.* 8. & *an.* 3. *ejuſdem, cap.* 2. Veies pluis de ceſt Officer & ſon authority en *Cromptons Juſtice de Peace.* Veies *An.* 21. *Edw.* 1. Le forme del Seremt del Eſcheator veies en le *Reg. orig. fol.* 301. *b.* Et l'*Eſcheator* eſt un Officer de Record, & puit ordein un ſouth-Eſcheator come le Vic' poit un ſouth-Vic'; unc' l'Eſcheator ne poit returne aſc' Office *virtute Officii*, mes il ſerra punie. Veies *F. N. B. fol.* 100. *Officium Eſcaetriæ* eſt l'Eſcheatorſhip. *Reg. orig. fol.* 259.

Eſchequer.

*E*Schequer (*Scaccarium*) venuſt del pol *Francois Eſchequier*, id eſt, *Abacus*, q̄ en un ſignification eſt priſe p̄ un Counting-Table, ou pur l' art ou ſcience del Compt'. Et de ceo (cōe aſcuns penſoient) le lieu ou Court des Receits ou Accounts des Revenews del Corone eſt appel l' *Eſchequer*. Autors ont auterm̄t derive le noſme de ceo. Mes l' Eſchequer eſt deſine per *Crompton* en ſon *Juriſd. des Courts, fol.* 105 deſtre un Court del Record, en q̄ tours les Cauſes que concern les Revenews l' Coro̅ ſor tracts.

Exchequer.

EXchequer (Scaccarium) comes of the French word Eſchequier, id eſt, Abacus, which in one ſignification is taken for a Counting-Table, or for the art or skill of Counting. And from thence (as ſome think) the place or Court of the Receits and Accounts of the Revenues of the Crown is called the Exchequer. Others have otherwiſe derived the name. But the Exchequer is deſined by Crompton in his Juriſd. of Courts, fol. 105. to be a Court of Record, wherein all Cauſes touching the Revenues of the Crown are handled.

Eſcrowle.

UN *Eſcrow* eſt un fait deliver al tierce perſon d' eſtre le fait del party ſur future condicion, Et eſt appell en Latine Schedula. *Raſt. Entr. fol.* 181.

Eſcrow.

AN Eſcrow is a Deed delivered to a third perſon to be the Deed of the party upon a future condition, And is called in Latine Schedula. Raſt. Ent. 181.

Eſcuage.

*E*Scuage, en *Latine Scutagium*, ceſt adire, *Servitium Scuti*, & ceſtuy que tient per *Eſcuage*, tient per Service de Chival; & a ceo appt Gard, Marriage, & Relief, *&c.*

Mes veies les *Stat.* 12 *Car.* 2. *cap.* 24. p̄ abolisshing le Court de Gards & Liveries, & turning tours les Tenures en frank & coñon *Soccage*.

Eſcuage fuit un certein Sum de Argent levie p̄ le Sñr de ſes Tenants, ſolonque l' quantitie de ſon Tenure q̄t l' Eſcuage courge per tout *Angleterre*, & fuit ordeigne per tout le Council d' *Angleterre*, q̄t cheſe' Tenant doña a ſon Sñr; & ceo fuit properm̄t pur

Eſcuage.

EScuage, in Latine Scutagium, that is, Service of the Shield, and he that held by Eſcuage, held by Knight-ſervice; and to that did belong Ward, Marriage, and Relief, &c.

But ſee the Stat. 12 Car. 2. c. 24. for taking away the Court of Wards and Liveries, and turning all Tenures into free and common Soccage.

Eſcuage was a certain Sum of money levied by the Lord of his Tenant, after the quantity of his Tenure, when Eſcuage ran through all England, and was Ordained by all the Council of England, how much every Tenant ſhould give his Lord; and that was properly to maintain the

the wars against Scotland or Wales, and not against other Lands, for that those Lands did of right belong to the Realm of England. See Lit. lib. 2. cap. 3.

Esliſors.

ARE persons nominated by a Court of Law, to whom a venire facias is directed (by challenge to the Sheriff and Coroners) who return their Writ in their own names, with a panel of the Jurors names. 15 E. 4. 24. pl. 4.

Esnecy.

ESnecy is a Privilege given the eldest Coparcener, to choose first after the Inheritance is divided. Flet. lib. 4. cap. 10.

Esplees

ESplees is the Profit or Commodity that is to be taken of a thing: As of a Common, the taking of Grass by the mouths of the Beasts that common there; of an Advowson, the taking of gross Tiths by the Parson; of Wood, the selling of Wood; of an Orchard, the selling of Apples and other Fruit growing there; of a Mill, the taking of Toll, are the Esplees, and of such like. And note, that in a Writt of Right of Land, Advowson, or such like, the Demandant ought to alledge in his Count, that he or his Ancestors took the Esplees of the thing in demand, otherwise the Pleading is not good.

Eſliſors.

SOnt persons nominate p un Court del comon Ley, al queux un *venire facias* serroit direct (p challeng al Viscount & Coroners,) queux retorne le bre eu lour noſmes ove, un pannel des noſmes des Jurors. 15 *E.* 4. 24. *fol.* 4.

Eſnecy.

ESnecy ē un imunitie doñ al pluls eigne Coparceñ, de Eſlier primerment puls l' Inheritance eſt divide. *Flet. l.* 5. *c.* 10.

Eſplees.

ESſplees eſt le Profit ou Commoditie que eſt a prender dun choſe: Come de un Common, l' prender dl Graſſe p les bouches de les Beaſts que comon la; de un Advowſon, le prend de gros Diſmes per le Parſon; de Bois, le vender de Bois; d' un Orchard, le vender de Pomes & auters Fruits creſſant la; d'un Molin, le priſel de Tolle, ſont les *Eſplees*, & de tiels ſemblables. Et nota, que en Brief de Droit de Terre, Advowſon, ou tiels ſemblables, le Demaundant doit alledge en ſon Count, que il ou ſes Auncestors priſe les *Eſplees* d choſe ē demād, auterment le Count neſt boñ.

Eſſendi quietum de Tolonio.

ESſendi quietum de Tolonio, eſt un Brief deſtre quit d Tolle, & giſt en caſe ou les Citizens ou Burgeſſes de aſcun Citie ou Borough ount eſtr̄ quit de Tolle p Graunt des Progenitours del Roy per tout le Royalme, ou per preſcripti\u014d; donque ſi aſc' h\u014de des dits Cities ou Boroughs veign\u014dt oves ſes Merch\u0101diſes a aſc' Ville, Fair, ou Market, & la eux mitt' a vender, ou achatont aſcuns Merchandiſes, ſi les Officers del dit Ville voile demaunder aſcun Tolle de luy encount' l' Charter l' Roy, ou encounter le Loy, ou encounter le Uſage & Cuſtome, il puit ſuer & aver tiel Bre. *F. N. B. f.* 226. *Regiſt. orig. fol.* 258.

Eſſendi quietum de Tolonio.

ESendi quietum de Tolonio, is a writ to be quit of Toll, and lies in caſe where the Citizens or Burgeſſes of any City or Borough have been acquitted of Toll by the Grant of the Kings Progenitors throughout the whole Realm, or by Preſcription; then if any man of the ſaid Cities or Boroughs come with his Merchandiſes to any Town, Fair, or Market, and there put them to ſale, or buy any Merchandiſes, if the Officers of the ſaid Town will demand any Toll of him againſt the Kings Charter, or againſt the Uſage and Cuſtom, he may ſue and have ſuch a writ. Fitz. N. B. fol. 226. Regiſt. original, fol. 258.

Eſſoine.

ESſoine: Lou un Action eſt port, & le Plaintife ou Defendant ne poit bien appear̄ al jour en Court pur un de cinque cauſes deſouth expreſſe, il ſerra *Eſſoine* de ſaver ſon Default.

Sont cinque manñs de *Eſſoines*: ceſt adire, Eſſoine, *De ouſter le mere*, p quel le Defendant avera jour per xl. jours.

Le ſecond eſt, *De terra ſancta*, & ſur ceo le Defendant avera jour per un an & un jour; & ces deux ſerront giſt al commencement del Plee.

Le tierce Eſſoine eſt; *De male vener*, & ceo ſerra adjourne al common jour, come l'Action require; & ceſt appel' le *Common Eſſoine*: & quant & coment ceſt Eſſoine

Eſſoine.

ESSoine: Where an Action is brought, and the Plaintiff or Defendant may not well appear at the day in Court, for one of the five cauſes under ſpecified, he ſhall be Eſſoined to ſave his default.

There are five manner of Eſſoins: viz. Eſſoine De ouſter le mere, by which the Defendant ſhall have a day by forty days.

The ſecond is, De terra ſancta, and upon this the Defendant ſhall have a day by a year and a day; and theſe two ſhall be laid in the beginning of the Plea.

The third Eſſoine is, De male vener, and that ſhall be adjourned to a common day, as the Action requires; and this is called the Common Eſſoine: and when and how this Eſſoine ſhall

ſhall be, ſee the Statutes and the Abridgment of Statutes, where it is well declared.

The fourth is, De malo lecti, and that is only in a Writ of Right, and thereupon there ſhall a Writ go out of the Chancery directed to the Sheriff, that he ſhall ſend four Knights to ſee the tenant, and if he be ſick, to give a day after a year and a day.

The fifth Eſſoine is, De ſervice del Roy, and it lies in all Actions, except in Aſſiſe De Novel Diſſeſin, Writ of Dower, Darreine preſentment, and in Appeal of Murther: but in this Eſſoine it behoves at the day to ſhew his warrant, or elſe it ſhall turn to a Default, if it be in a Plea real; or elſe he ſhall loſe xx s. for the journey, or more, by the diſcretion of the Juſtice, if it be in a Plea perſonal, as it appears by the Statute of Glouceſt. cap. 8.

Eſſoine de malo lecti.

Eſſoine de malo lecti. is a writ directed to the Sheriff, to ſend four lawful Knights to view one that hath eſſoined himſelf De malo lecti. Reg. Orig. fol. 8. b.

Eſtabliſhment de Dower.

Eſtabliſhment de Dower, ſeems to be the Aſſurance of Dower made by the Husband or his friends before or at the time of the Marriage: And Aſſignment of Dower is the Setting it out by the Heir afterward, according to the Eſtabliſhment. Brit. c. 102, 103.

Eſtandard.

Eſtandard or Standard ſignifies an Enſign in War; but is alſo uſed for the principal or Standing Meaſure of the

ſerra, veies les Statutes, & Livre de *Abridgement de Statutes*, lou il eſt bene declare.

Le quater eſt, *De malo lecti*, & ceo eſt ſolement en Brief de Droit, & ſur ceo iſſera Btief hors del Chauncerie direct al Viſcount, que il mandera quat' Chivalers de veier le Tenant, & ſil il ſoit malad, de don a luy jour aps un an & jour.

Le cinq' Eſſoine eſt, *De ſervice del Roy*, & giſt en touts Actions, forſque en Aſſiſe *De Novel Diſſeiſin*, Brief de *Dower*, *Darreine preſentment*, & en Appeal de Murder: mes en ceſt Eſſoine il covient al jour de monſtre ſon Garrant, ou auterment il turnera a un Default, ſi ſoit en Plee real. ou auterment il perdera xx s. pur le journey, ou pluis per le diſcretion del Juſtice, ſi ſoit en Plee perſonal, ut patet per le Statute de *Glouceſt. cap.* 8.

Eſſoine de malo lecti.

E*Sſoine de malo lecti*, eſt un Brief direct al Viſcount, pur le mitt' quat' loyal Chivaliers a veyer un que ad eſſoin luy meſme *De malo lecti. Reg. Orig. fol.* 8. *b.*

Eſtabliſhment de Dower.

E*Stabliſhment de Dower*, ſemble deſtre l' Aſſurance de Dower fait per le Baron ou ſes amies devant ou al temps del Eſpouſels: Et *Aſſignment de Dower* eſt le Mittant ceo hors per le Heire aps, accordant al *Eſtabliſhment. Brit. cap.* 102, 103.

Eſtandard.

E*Standard* ou *Standard* implia un Enſigne en l' guerre; mes eſt auxy uſe p le prim ou Certaine Meaſure del

Roy, proportion del que touts les Meaſures per le Terre devolent eſtre fait per le Clerke del Market, Aulneageor, ou auter Officer, accordant a lour Function.

Car il fuit eſtablie p *Magna Charta*, *an.* 9 *H.* 3 *ca.* 25. que la ſerroit forſque un Aſſiſe de Poys & Meaſures per tout le Royalme; le quel eſt jammes confirme p *An.* 14 *Ed.* 3. *c.* 12. & pluſors aut's Statutes; cõe auxy que touts ſerroyent fait al Eſtandard ſeale ove le Seale le Roy.

Et bone cauſe la eſt que il ſerroit appel *Eſtandard*, p̃ ceo que il *eſtoia* conſtant & immove, & ad touts auters Meaſures vient a icel pur lour conformitie; en meſme le maner come Souldiers en le champe ont lour Eſtandard ou Colours pur lour direction en lour March ou Battel. De eux Eſtandards & Meaſures lies *Brit. cap.* 30. Veies le Stat. 17. *Car.* 1. *c.* 19.

King, to the proportion whereof all the Meaſures through the Land are and ought to be framed by the Clerk of the Market, Aulneger or other Officer, according to their Function.

For it was eſtabliſhed by Magna Charta, ann. 9 H. 3 c. 25. that there ſhould be but one ſcantling of Weights and Meaſures through all the Realm; which is ſince confirmed by An. 14 Ed. 3. cap. 12. and many other Statutes; as alſo that all ſhould be fitted to the Standard ſealed with the Kings Seal.

And there is good reaſon that it ſhould be called a Standard, becauſe it ſtands conſtant and immoveable, and hath all other Meaſures coming towards it for their conformity; as Soldiers in the Field have their Standard or Colours for their direction in their March or Skirmiſh. Of theſe Standards and Meaſures read Britton. cap. 30. See Statute 17 Car. 1. cap. 19.

Eſtate.

E State eſt cel Title ou Intereſt que home ad en Terres ou Tenements; come Eſtate *ſimple*, autrement appell Fee-ſimple, & Eſtate *Conditionel* ou ſur Condition, que eſt ou ſur Condition en Fait, ou ſur Condition en Ley. Veles *Littl. lib.* 3. *cap.* 5.

Eſtate.

E State, is that Title or Intereſt that a man hath in Lands and Tenements; as Eſtate ſimple, otherwiſe called Fee-ſimple, and Eſtate conditional or upon Condition; which is either upon Condition in Deed, or upon Condition in Law. See Littleton, lib. 3. cap. 5.

Eſtoppel.

E Stoppel eſt, quant un eſt concludé & denie en Ley d parler encounter ſon act ou fait demẽ, nient obſtant il ſoit p̃ dire le veritie.

Et de *Eſtoppels* il y ad un grand number. Un pur ex-

Eſtoppel.

E Stoppel is, when one is concluded and forbidden in Law to ſpeak againſt his own act or deed, yea, though it be to ſay the truth.

And of Eſtoppels there are divers. One for example is, when

J. S.

J.S. is bound in an Obligation by the name of T. S. or any other name, and is sued afterward according to the name in the Obligation; now he shall not be received to say that he is misnamed, but shall be driven to answer according to the name put in the Obligation, that is, T. S. for peradventure the Obligee did not know his name but by the report of the Obligor himself: and inasmuch as he is the same man that was bound, he shall be estopped, and forbidden in Law to say contrary to his own deed; for otherwise he might take advantage of his own wrong, which the Law will not suffer a man to do.

If the daughter who is Heir to her Father will sue Livery with her Sister who is a Bastard, she shall not afterward be received to say that her Sister is a Bastard, insomuch as if her Bastard-sister take half the Land, there is no remedy by the Law.

Also if a man seised of Lands in Fee-simple will take a Lease for years of the same Land of a stranger by Deed indented; this is an Estoppel during the term of years, and the Lessee is thereby barred to say the truth, which is, That he that Leased the Land had nothing in it at the time of the Lease made, and that the Fee-simple was in the Lessee: But this he shall not be received to say till after the years are determined, because it appears that he hath an Estate for years, and it was his folly to take a Lease of his own Lands, and therefore shall thus be punished for his folly.

ample est, quant *J. S.* est oblige en Obligation per le nosme de *T. S.* ou ascun aut' nosm̄: & est sue apres accordāt al mesme le nosme mis en l' Obligation, ore il ne serra receive a dire que il est misnosme, mes serra chase a respond accord al nosme mis ē l'Obligation, ceest adire, *T. S.* car peradventure l' Obligee ne scavoit pas son nosme mes p̄ le report tantsolement del Obligor mesm̄. & entant q̄ il est m̄ le hōe q; fuit oblige, il serra *estoppe*, & denie en Ley p̄ adire le contrarie encont' son fait demesne; car autrem̄t il poit prend' advantage d̄ son tort demesne, le quel le Ley ne voit suffer un hōe de faire.

Si le file que est Heire a son pere voit suer Liverie ove sa soer que est un Bastard, el ne serra apres receive pur dire que sa soer est un Bastard, entant que si la Bastard soer prist le moietie del Terre, il nad Remedie per le Ley.

Auxy si un home seisie de Tre en Fee-simple voit prender un Lease p̄ ans de mesme le Tre d'un estranger p̄ Fait indent, ceest un *Estoppel* durant le terme d'ans, & le Lessee est per ceo barre a dire le veritie, car le veritie est, Que il que lessa le Tre nad riens en ceo al temps le Lease fait, & q' le Fee-simple fuit ē le Lessee: Mes ceo il ne serra receive adire tanq; a̅s les ans serra determine, p̄ ceo que il appiert que il ad Estate pur ans, & il fuit son folly de prender un Lease de ses Tres demesne, & pur ceo serra issint punie p̄ son follie.

Eſtovers.

E *Stovers* ſont Nutriment ou Maintenance: Et *Bract. l.* 3. *tract.* 2. c. 18. *num.* 1. ceo uſa pur tiel Nutrim̃t q' home, attach p̃ Felonie, eſt d'aver hors de ſes Tr̃es ou biens pur luy meſme & ſon familie durant ſon dures. Et le Statute d̃ 6 E. 1. *c.* 3. ceo uſa p̃ un Allowance en Viands ou Panne. Il eſt auxy uſe pur certain Allowances de Boys deſtre priſe hors del Boys d'un auter hõe, *Weſtm.* 2. *c.* 15. *Anno* 13. *E.* 1. *Weſt. part.* 2. *tit Fines, ſect.* 26. dit, Que le noſme d'*Eſtovers* conteigne Houſe-bote, Heybote, & Carue-bote, cõe ſil ad en ſon Grant ceux general parols, *De rationabili Eſtoverio in boſcis, &c.* il poet p̃ ceo claimer ceux trois.

Eſtovers.

E Stovers are Nourifhment or Maintenance: And Bract. l. 3. tract. 2. c. 18. num. 1. uſes it for ſuch Suſtenance as a man, taken for Felony, is to have out of his Lands or Goods for himſelf and his Family during his Impriſonment. And the Statute of 6 E. 1. c. 3. uſes it for an allowance in Meat or Cloth. It is alſo uſed for certain Allowances of Wood to be taken out of another Mans Wood; Weſtm. 2. c. 15. Anno 13. 1. Weſt part. 2. tit. Fines, ſect. 26. ſaith, That the name Eſtovers comprehends Houſe-boot, Hedge-boot, and Plow-boot; as if one hath in his Grant theſe general words, Reaſonable Eſtovers in the Woods, &c. he may thereby claim thoſe three.

Eſtrangers.

E *Strangers* ſont aſcun foits priſe pur ils q̃ ne ſont Parties ne Privies al Fine levie ou feaſans d'un Fait; aſcuns foits ils que ſont nee ouſter le mere.

Eſtrangers.

E Strangers are ſometimes taken for thoſe that are not Parties or Privies to the levying of a Fine, or making of a Deed; ſometimes thoſe that are born beyond Sea.

Eſtray.

E *Stray* eſt, lou aſcun Beaſt ou Cattle eſt en aſcun Sñrie, & nul conuſt l'Owner d̃ ceo; donques ceo ſerra ſeiſie al oeps le Roy, ou de le Sñr que ad tiel *Eſtray* p̃ grant le Roy, ou per preſcription: & ſi l'Owner fait claim a ceo deins an & jour, il ceo reavera; ou auterment apres l'an le propertie de ceo ſerra al Sñr, iſſint que le Sñr face Proclamation de ceo accordant a la Ley.

Eſtray.

E Stray is where any Beaſt or Cattel is in any Lordſhip, and none knows its Owner; then it ſhall be ſeiſed to the uſe of the King, or of the Lord that hath ſuch Eſtray by the King's Grant, or by Preſcription: and if the Owner make claim thereto within a year and a day, he ſhall have it again; otherwiſe after the year, the property thereof ſhall be to the Lord, provided he make Proclamation of it according to the Law.

Eſtrea

Eſtreat.

ESTreat is a Figure or Reſemblance, and is commonly uſed for the Copy or true Note of an Original writing; as Eſtreats of Amerciaments impoſed in the Rolls of a Court, to be levied by the Bailiff, or ſome other Officer, of every man that hath offended. See F.N.B. 75, & 76. And ſo it is uſed in Weſtm. 2.c.2.

Eſtrepment.

ESTrepment is a Writ that lies where one is impleaded by a Præcipe quod reddat for certain Land; if the Demandant ſuppoſe that the Tenant will do waſte depending the Plea, he ſhall have againſt him this Writ, which is a Prohibition, commanding him to do no waſte, depending the Plea.

And this Writ lies properly where a man demands Lands by Formedon, or writ of Right, or ſuch writs where he ſhall not recover Damages; for in ſuch writs where he ſhall recover Damages, he ſhall have his Damages, with regard to the waſte done.

Etate probanda.

ETate probanda is a Writ of Office, and it lies for the Heir of the Tenant that held of the King in chief, to prove he is of full age, directed to the Sheriff to enquire of his age; and then he ſhall become Tenant to the King by the ſame Services that his Anceſtors made to the King. But it is ſaid, that every one that ſhall paſs in this Enqueſt ſhall be of the age of xlii. years at leaſt But ſee the Star. 12 Car. c. 2. for aboliſhing the Court of Wards and Liveries, &c.

Eſtreat.

ESTreat eſt un Embleme ou Reſemblance, & eſt communem uſe pur le Copie ou voier Note d'un Original Eſcripture; cõe Eſtreates de Amerciaments impoſe en les Rolls d'un Court, deſtr levie p le Reeve, ou aut' Officer, de cheſc' home p ſon peeche. Veies *F. N. B.* 75, *&* 76. Et iſſint il eſt uſe ẽ *Weſtm.*2.c.2.

Eſtreapment.

ESTrepment eſt un Bre que giſt lou un eſt emplede p un *Præcipe quod reddat* p certaine Tre; ſi le Demandant ſuppoſe que le Tenant voile faire waſte pendant le Plee, il avera vers luy ceſt Brief, q eſt un Prohibition, luy comandant ne fair Waſt pendant le Plee.

Et ceſt Brief giſt properment lou un home demande Tres p *Formedon*, ou Brief de Droit, ou tiels Briefs lou il ne recover Dammages; car en tiels Briefs lou il recovera Dammages, il avera ſes Dammages, ove regard al Waſt fait.

Etate probanda.

ETate probanda, eſt un Bre d' Office, & giſt p l'Heire le Tenant que tient del Roy en capite, p prove q; il eſt de plein age, direct al Viſcount pur inquirer de ſon age; & donques il deviendra Tenant al Roy per meſme les Services que ſon Anceſtors fiſt al Roy. Mes il eſt dit, q' cheſc' que paſſer en ceſt Enqueſt ſerra del age de xlii. ans al meins. Mes veies le Star. 12 *Car* 2. pur Abolition del Cort de Wards & Liveries, *&c.*

Eveſ-

Eveſdroppers.

EVeſdroppers, ſont tiels queux eſtoyent deſouth Mures ou Feneſtres p̄ nuict ou jour a oyer novels, & a carrier eux al auters, a faire ſtriſe & debate int' lour Vicines: ceux ſont male members en le Common-wealth, & p̄ ceo p̄ le Stat. d' *Weſtm.* 1. *c.* 33. ſont deſtre punie.

Et ceſt Miſdemeanour eſt p̄ſentable & puniſhable en le Court-Leet, *Kitch. f.* 11.

Eveſdroppers.

EVeſdroppers are ſuch as ſtand under Walls or Windows by night or day to hear news, and to carry them to others, to make ſtrife and debate amongſt their Neighbours: thoſe are evil Members in the Common-wealth, and therefore by the Stat. of Weſtm. 1. c. 33. are to be puniſhed.

And this Miſdemeanor is preſentable and puniſhable in the Court-Leet, Kitch. f. 11.

Evidence.

EVidence eſt uſe geñalm̄t p̄ aſc' Proof, ſoit il per le Teſtimonie d' hōes ou p̄ Eſcript. Sir *Tho. Smith, l.* 2. *c.* 17. ceo uſa ē ambideux ſenſes en ceux pols; *Evidence eſt authentiq; Eſcripts de Contracts, ſolenq; le man' d' Angleterre, ceſt adire, eſcrit, enſeale, & deliver.*

Et *l.* 2. *c.* 23, plant del Priſoner q̄ eſtoia al Barr̄ a plead p̄ ſon vie, & de ceux q' charga luy ove Felonie, iſſint; *Donq; il monſtre qui il poit dire; puis luy auxi touts ceux queux furont al Apprehenſion del Priſoner, ou que poient doner aſcuns Indices ou Tokens, queux nous appellomus en noſtre parlance* Evidence *envers le Maleſactor.*

Evidence.

EVidence is generally uſed for any Proof, be it by the Teſtimony of men, or by Writing. Sir Tho. Smith, l. 2. c. 17. uſes it in both ſenſes, in theſe words; Evidence is authentical Writings of Contracts, according to the manner of *England*, that is, written, ſealed, and delivered.

And l. 2. c. 23. ſpeaking of the Priſoner that ſtands at the Bar to plead for his life, and of thoſe that charge him with Felony, thus; Then he tells what he can ſay; after him alſo all thoſe who were at the Apprehenſion of the Priſoner, or who can give any Signs or Tokens, which we call in our Language, Evidence againſt Malefactor.

Exaction.

EXaction eſt un tort fait p̄ un Officer, ou p̄ un p̄tendant d'aver authoritie, ē demaundant ou prendant aſcun Reward ou Fee p̄ cell matter, cauſe, ou choſe, q̄ le Ley ne pas allowa.

Le difference penter *Exaction* & *Extortion* eſt ceo: *Extortion* eſt, lou un Officer de-

Exaction.

EXaction is a wrong done by an Officer, or by one pretending to have authority, in demanding or taking any reward or Fee for that matter, cauſe or thing, which the Law allows not.

The difference between Exaction and Extortion, is this: Extortion is, where an Officer demands and

and extorts a greater Sum or Reward than his just Fee: And Exaction is, where an Officer or other man demands and wrests a Fee or Reward, where no Fee or Reward is due at all. See Extortion.

manda & extorte un greinder Summe ou Reward que ſon voier Fee: & *Exaction* eſt, lou un Officer ou auter home demaunda & urger un Fee ou Reward, lou nul mañer d Fee ou Reward eſt due. Veies *Extortion.*

Exception.

EXception is a Bar or Stay to an Action; and is divided into Exception dilatory, and peremptory. Of theſe two ſee Bracton, l. 5. tract 5. and Britton, c. 91, 92.

Exception.

EXception eſt un Barre ou Stoppe a un Action; & eſt divide en exception dilatorie, & pẽptorie. De ceux ambideux veies *Bracton, l. 5. tract. 5. & Britton, c. 91, 92.*

Exchange.

EXchange is, where a man is ſeiſed of certain Land, and another is ſeiſed of other Land, if they by a Deed indented, or without Deed, if the Lands be in one County, exchange their Lands, ſo that each of them ſhall have other Lands to him ſo exchanged in fee, fee-tail, or for term of Life, that is called an Exchange, and is good without Livery and Seiſin.

In Exchange the Eſtates to them limited muſt be equal; for if one ſhould have an Eſtate in fee in his Land, and the other an Eſtate in the other Land but for term of life, or in tail, ſuch Exchange is void; but if the Eſtates be equal, though the Lands be not of equal value, yet the exchange is good. Alſo an exchange of Rent for Land is good. And an exchange between Rent and Common is good, and that ought to be by Deed. Alſo it behoves alway that this word Exchange be in the Deed, or elſe nothing paſſes by it, except he have Livery and Seiſin.

Exchange.

EXchange eſt, lou un hõe eſt ſeiſe de certaine Tre & un auter eſt ſeiſie d'auter Tre, ſi ils p un Fait indent, ou ſans Fait, ſi le Terres ſont en un Countie, *exchange* lour Tres, iſſint q̃ cheſcun d'eux avera auters Tres a luy iſſint exchange en fee, en fee-taile, ou a terme de vie, ceo eſt appel un *Exchange*, & eſt bone ſans Liverſe & Seiſin.

En *Exchange* il covient q̃ les Eſtates a eux limit ſont egals; car ſi un averoit Eſtate en fee en ſa Terre, & l'auter Eſtate ẽ auter Terre forſque p̃ term de vie, ou en taile, tiel Exchange eſt void; mes ſi les eſtates ſont egal & les Terres ne ſont d' egal value, uncore l'Exchange eſt bone. Auxy un Exchange de Rent p̃ Tre eſt bone. Et Exchange in't Rent & Cõmon eſt bone, & ceo covient eſtre per Fait. Auxy il covient touts foits q̃ ceſt parol *Exchange* ſoit en le Fait, ou auterment rien paſſa per la, ſinon q̃ il ayt Liverie & Seiſin.

Exchequer.

EXchequer. Veies *Eſchiquer.*

Exchequer.

EXchequer, See Exchequer.

Excommengement.

EXcommengement eſt adire en *Latine Excommunicatio*, & eſt lou un home p̄ la judgm̄t en Court Chriſtian eſt *Excommenge*, p̄ quel il eſt diſable de ſuer aſc' Action en Court le Roy; & ſil remaine Excommenge xl. jours, & ne voile eſte juſtifie p̄ ſon Ordinarie, donques l'Eveſq; mandera ſon Letter al Chancelour, de certifier l'Excommunication ou Contempt; & ſur ceo ſerra commaund al Viſcount de prendre le corps le Excommenge, per un Brief appel *De Excommunicato Capiendo*, jeſque il ad fait gree al ſaint Eſgliſe pur le Contempt & tort: & quant il eſt juſtify, l' Eveſque maundera ſes Letters al Roy, certificant ceo; & donques ſerra maunde al Viſc' de luy deliver, per un Brief appel *Excommunicato deliberando.* Veies le Statute 5 *Eliz. cap.* 23.

Excommengement.

EXcommengement is to ſay in Latine, Excommunicatio, and it is where a man by judgment in Court Chriſtian is Excommenged, by which he is diſabled to ſue any Action in the King's Court; and if he remain Excommunicate xl. days, and will not be juſtified by his Ordinary, then the Biſhop ſhall ſend his Letter Patent to the Chancellour to certifie this excommunitation or contempt; and thereupon the Sheriff ſhall be commanded to take the Body of him that is accurſed, by a Writ called, De Excommunicato capiendo, till he hath made ſatisfaction to holy Church for the Contempt and Wrong: and when he is juſtified, the Biſhop ſhall ſend his Letters to the King, certifying the ſame; and then the Sheriff ſhall be commanded to deliver him by a Writ called Excommunicato deliberando. See the Statute 5 Eliz. cap. 23.

Excommunicato recipiendo.

CEO eſt un Brief per ont perſons excom̄unicate eſteant pur lour obſtinacy commit al priſon, & illegalment deliver a ceo, devant que ils avont doner caution al obeyer le Authority del Elgliſe ſont d' eſtre enquire & com̄it arere, *Reg. Orig. fol.* 87.

Excommunicato recipiendo.

THis is a Writ whereby Perſons excommunicate, being for their obſtinacy commited to Priſon, and unlawfully delivered from thence, before they have given Caution to obey the Authority of the Church, are to be ſought for and laid up again, Reg. Orig. fol. 87.

Excommunication.

EXcommunication. Veies *Excommengement.*

Excommunication.

EXcommunication. See Excommengement.

Exe-

Execution.

EXecution is, where Judgment is given to any Action, that the Plaintiff ſhall recover the Land, Debt, or Damages, as the caſe is; and when any Writ is awarded to put him in poſſeſſion, or to do any other thing whereby the Plaintiff ſhould the better be ſatisfied his Debt or Damages, that is called a Writ of Execution; and when he hath the poſſeſſion of the Land, or is paid the Debt or Damages, or hath the Body of the Defendant awarded to priſon, then he hath Execution. And if the Plea be in the County, or Court-Baron, or Hundred, and they defer the execution of the Judgment in favour of the party, or for other cauſe; the Demandant ſhall have a Writ De Executione Judicii.

Note, that in a Writt of Debt a man ſhall not have Recovery of any Lands, but of thoſe which the Defendant hath the day of the Judgment yielded. And of Chattels, a man ſhall have execution only of the Chattels which he hath the day of the Exeution ſued.

Execution.

EXecution eſt, lou Judgement eſt done en aſcun Action, que le Plaintiſe recovera le Tre, le Der, ou Dammages, come le caſe eſt; & quant aſc' Brief eſt agard de luy mitter en peſſeſſion, ou d faire aſcun choſe per que le Plaintife ſerra le mieux ſatisfie ſon Det ou Damages, ceo eſt appel *Brief d'Execution*, & quant il ad le Poſſeſſion de le Terre, ou eſt pay le Det ou Dammages, ou ad le Corps le Defendant agard al priſon, donques il ad *Execution*. Et ſi le Plee ſoit en Countie, ou Court-Baron, ou Hundred, & ils delaiont l'Execution del Judgm̃t en favour de partie, ou p̃ ayter encheaſon; le Demandant avera Brief *De Executione Judicii*.

Nota, que en Brief de Det home navera Recoverie de aſcun Terre, mes de ceux que le Defendant avoit jour de Judgment rendue. Et de Chateux; home avera Execution ſolement des Chateux queux il avoit jour d'Execution ſue.

Executione facienda.

EXecutione facienda, is a Writt commanding Execution of a Judgment; the divers uſes whereof ſee in the Table of the Reg. Judic.

Executione facienda.

EXecutione facienda, eſt un Brief commandant Execution d'un Judgment; le divers uſes de quel veies en le Table de *Reg. Judic.*

Executor.

EXecutor is, when a Man makes his Teſtament and laſt Will, and therein names the Perſon that ſhall execute his Teſtament, that is his Executor, and is as much in the Civil Law as Hæres deſignatus, or

Executor.

EXecutor eſt, quant un hõe fait ſon Teſtament & darreine Volunt, & en ceo noſme le perſon que executera ſon Teſtament, il eſt ſon *Executor*, & eſt a tant en le Civil-Ley come *Hæres deſignatus*,

ſignatus, vel *Teſtamentarius*, come al Det, Biens & Chatels ſon Teſtator: & tiel *Executor* avera Action, vers cheſcun Dettor de ſon Teſtator; & ſi l'Executor ad Aſſets, cheſcun a que le Teſtator fuit indett avera Action vers l'Executor, ſi ad Obligation ou Eſpecialtie; mes en cheſcun caſe lou le Teſtat' puiſſoit gager ſon Ley, nul Action giſt vers Executor. Veies pluis de ceo devat Titulo *Adminiſtrators*.

Et ſi aſcun aut' perſon niēt fait Executor, priſt ou vend les biens del mort, poet eſtre ſue cōe Executor de ſon tort en meſme le forme come auters Executors. Vide Stat. 30 *Car.* 2. *cap.* 7.

Teſtamentarius, as to Debts, Goods and Chattels of his Teſtator: and ſuch an Executor ſhall have an Action againſt every Debtor of his Teſtator; and if the Executor hath Aſſets, every one to whom the Teſtator was in Debt, ſhall have an Action againſt him, if he have an Obligation or Specialty; but in every caſe where the Teſtator might wage his Law, no Action lies againſt the Executor. See hereof before in the Title Adminiſtrators.

And if any other perſon not made Executor, take or ſell the Goods of the deceaſed, he may be ſued as Executor of his own wrong, in the ſame form as other Executors. See the Statute of 30 Car. 2. cap. 7.

Exemplification.

EXemplification eſt, ou hōe voile aver aſc' Original Record tranſcript & *exemplifie* hors del Court lou il remaine, a quel purpoſe il poit aver un Brief, come appiert p le *Reg. orig. fol.* 290.

Et ſi hōe voile pleader un Record en auter Court q' ceo lou il remaiñ, il covient a luy d'aver *exemplifie* ſouth le Grand Seale d' *Angleterre*; car ſi ſolt *exemplifie* ſouth le Seale d Common Banke, Excheq', ou tiels ſemblables, ceo ne ſervera, forſq; ē Evidence al Jurie. Veies *Coke l.* 5. *f.* 53.

Veies le Stat. 13 *Eliz. cap.* 6. & 23 *El.* 3. le force & uſe d' Exemplifications de Patents, *&c.* Veies Conſtat.

Exemplification.

EXemplification is, when a man will have any Original Record written out and exemplified forth of the Court where it remains, to which purpoſe he may have a Writ, as appears by the Reg. orig. f. 290.

And if a man will plead a Record in other Court than where it remains, it behoves him to have it exemplified under the Great Seal of England; for if it be exemplified under the Seal of the Common Pleas, Exchequer, or ſuch like, it will not ſerve, unleſs in Evidence to a Jury. See Coke l. 5. f. 53.

See the Statute of 13 Eliz. cap. 6. and 23 El. 3. The force and uſe of Exemplifications of Patents, &c. See Conſtat.

Exemption.

EXemption eſt un privilege deſtre Franke de Service ou Apparance: & p̄ ceo un Baron & Baroneſſe, p reaſon

Exemption.

EXemption is a privilege to be Free from Service or Apparance: and therefore a Baron and Baroneſs, by reaſon of their Dig-

Dignity, are exempted to be ſworn upon any Inqueſt. Coke l. 6. f. 53.

Alſo Knights, Clerks, and Women are exempted to appear at Leets, or the Sheriffs Tourn: And that is by the Statute of Marlebridge, c. 10.

And a man may be exempted from being put upon Enqueſts and Juries by the Kings Letters Patents; as the Preſident and College or Commonalty of Phyſicians in London, were by the Letters Patents of King H. 8. Coke l. 8. f. 108.

Ex gravi querela.

EX gravi querela. See before in the Title Deviſe.

Exigent.

EXigent is a Writ that lies where a man ſues an Action perſonal, and the Defendant cannot be found, nor hath any thing within the County whereby he may be attached or diſtrained: then this Writ ſhall go forth to the Sheriff, to make Proclamation at five Counties, every one after another, that he appear, or elſe that he ſhall be outlawed: and if he be outlawed, then all his Goods and Chattels are forfeit to the King. In an Indictment of Felony the Exigent ſhall go forth after the firſt Capias. And in a Capias ad Computandum, or ad ſatisfaciendum, and in every Capias that goes forth after Judgment, the Exigent ſhall go forth after the firſt Capias. And alſo in Appeal of Death; but not in an Appeal of Robbery or Mayhem.

With this Exigent iſſueth alſo a Writ by the Statute of 13 El. cap. 3. to make three Proclamations againſt the Defendant,

de lour Dignitie, ſont *exempts* deſtre jure ſur aſc' Enqueſt. *Coke l. 6. f. 53.*

Aux' Chivalers, Clerks & Femes ſont *exempts* d'appearer al Leets ou Tourne del Viſc': Et ceo eſt p le Statute de *Marlebridge, c. 10.*

Et home poit eſtre *exempt* deſtre mis ſur Enqueſts ou Juries per les Letters Patents le Roy; come le Preſident & Colledge ou Communaltie de Phyſicians ē *Londres* fueront p les Letters Patents del Roy *H. 8. Coke, l. 8. f. 108.*

Ex gravi querela.

EX gravi querela. Veies devant Tit. *Deviſe.*

Exigent.

EXigent eſt un Brē q̄ giſt lou lou hōe ſue Action perſonal, & le Defendant ne poit eſte trove, ne ad riens deins le Countie p que il puit eſte attach ou diſtreine, donques ceſt Brief iſſera al Viſcount, de faire Proclamatiō al cinq' Counties, cheſcun apres auter, que il appeare, ou autermt il ſerra utlage: & ſi ſoit utlage, donques touts ſes biens & chateux ſont forfeits al Roy. En un Endictment de Felonie l' *Exigent* iſſera apres le primer *Capias.* Et en *Capias ad computandum* ou *ad ſatisfaciendum*, & en cheſcun *Capias* que iſſiſt apres Judment, l' *Exigent* iſſera apres le primer *Capias.* Et auxy en Appeal de Mort; mes nemy en Appeal de Robberie ou Mayhem.

Ove ceo *Exigent* iſſuiſt un brē per le Stat. 13 *El. cap.* 3. a fair trois Proclamations envers le Defendant, quel n'eſt

en

en Exigents puis Judgment.

Exigenter.

E*Xigenter*, eſt un Officer del Cõmon Plees, & d ceux ſont quatre. Ils ſont touts *Exigents* & Proclamations en touts Actions ẽ queux proces d' Utlagarie giſt. Et ils font Bꝛes de *Superſedeas* cibyen come les Protonotaries ſur tiels *Exigents* come fueront faits en lour Office. Et d ceſt Officer mention eſt fait en les Statutes de 10 *H.* 6. *c.*4. & 18 *H.* 6. *c.* 9.

Ex mero motu.

E*X mero motu* ſont parols uſualmt mis ẽ les Charters le Roy, per q̃ux il implie, que il fait ceo q̃ eſt conteine en le Charter *de ſon volunt & motion demeſne*, ſans Prier ou Suggeſtion fait per aſcun auter. Et l' effect de ceux parols eſt, d'ouſter touts Exceptions q' poierõt eſte priſe al Inſtrument en que ils ſont conteinus, p alledger, que le Roy en donant de c' Charter fuit abuſe p aſcun faux Allegation. *Kitch. f* 151.

Et quant un Charter le Roy ad ẽ ceo ceux parols, il ſerra priſe pluis fortment vers le Roy; p̃ que ſi le Roy pardon a *B.* touts ſes Dets *ex mero motu*, touts Dets que *B.* doit cõe Viſcount ſont p ceo pardon; & en meſme le manner eſt en pluſors auters caſes, ceux parols ſerra priſe cy fort vers le Roy, cõe ſi un Common p-ſon ad fait le Graunt. Veies *Coke l.* 1. *f.* 45.

which is not in Exigents after Judgment.

Exigenter.

EXigenter, is an Officer of the Common Pleas, of which there are four. They make out all Exigents and Proclamations in all Actions, in which proceſs of Outlawry lies. And they make writs of Superſedeas, as well as the Peignotaries upon ſuch Exigents as were made in their Office. Of this Officer there is mention made in the Statutes of 10 H. c. 4 & 18 H. 6. c. 9.

Ex mero motu.

EX mero motu are words frequently uſed in the King's Charters, whereby he ſignifies, that he doth that which is contained in the Charter of his own will and motion, without Petition or Suggeſtion made by any other: and the effect of theſe words is, to bar all exceptions that might be taken to the Inſtrument wherein they are contained, by alledging, that the King in paſſing that Charter was abuſed by any falſe Suggeſtion. Kitch. f. 151.

And when the King's Charter hath therein theſe words, it ſhall be taken moſt ſtrongly againſt the King; therefore if the King, ex mero motu, pardon to B. all his debts, all the debts that B. owes as Sheriff are by this pardoned; and in like manner it is in many other caſes, where theſe words ſhall be taken as ſtrongly againſt the King, as if a common perſon had made the Grant. See Coke, l. 1. f. 45.

Ex-

Ex parte talis.

EX parte talis. See before, Tit. Account.

Expeditate.

EXpeditate is a word often uſed in the Forreſt, ſignifying to cut out the Balls of great Dogs feet, for preſervation of the King's Game. And one of the Articles to be enquired touching the Forreſt, is, If all great Dogs or Maſtives in the Forreſt are Expeditated, according to the Laws of the Forreſt; and if any be not, the Owner of every ſuch Dog ſhall forfeit to the King three ſhillings and four pence, Cromp. Juriſd. fol. 152. Manwood uſes the ſame word, and (part 1. of his Forreſt Law, fol. 212.) ſets down the manner of expeditating Dogs heretofore, which was, that the three Claws of the Fore-foot on the right ſide ſhall be cut off by the skin; whereunto he alſo adds out of the Ordinance called the Aſſiſe of the Forreſt, that the ſame manner of expeditating Dogs ſhall be ſtill uſed and kept, and none other. Quære whence it ariſes that Crompton and he differ; the one ſaying the Ball of the foot is cut out; the other, that the three Fore-claws are cut off by the skin.

Expenſis Militum levandis.

EXpenſis Militum levandis, is a Writ directed to the Sheriff for levying the Allowance for the Knights of the Parliament, Regiſt. orig. fol. 191. b. And Expenſis Militum non levandis de hominibus de Antiquo Dominico, nec a Nativis, is a Writ to prohibit the Sheriff

Ex parte talis.

EX *parte talis.* Veies devant Tit. *Account.*

Expeditate.

EXpeditate eſt un pol pluſors foits uſe ẽ le Forreſt, impliant de prend hors les Balls des pees de grãd Chiẽs, pur le preſervation de Sporte l' Roy. Et un des Articles deſtre enquire concernant le Forreſt eſt, Si touts grand Chiens ou Maſtives deins le Forreſt ſont *expeditate*, accordãt al Leys del Forreſt; & ſi aſcuns ne ſont, l'Owner de cheſc' tiel Chien forfeitera al Roy trois ſouls & quat' deniers, *Crompt. Juriſd. fo.* 152. *Manwood* uſaſt meſm̃ le pol, & (*part.* 1. de ſon *Forreſt Ley, fol.* 212.) relata le ancient *manner de expeditating* de Chiens, que fuit, que les trois Ortelles del Primer pee del dext' latere ſerrõt abſcindus p̃ le pelle; a que il auxy adde hors del Ordinãce appel l' *Aſſiſe del Forreſt*, que m̃ le manner de *expeditating* des Chiẽs ſerra jamm̃s uſe & obſerve, & nul auter. *Quære* de que il ſurde que *Crompton* & il differont; l'un diſant que le Ball del pee eſt abſcinde; l'aut', q' les trois primer Ortilles ſõt deſumus p̃ le pelle.

Expenſis Militum levandis.

EXpenſis *Militum levandis*, eſt un Brẽ direct al Viſcount pur levier le Allowance pur Chivalers del Parliam̃t, *Regiſt. orig fo.* 191. *b.* Et *Expenſis Militum non levandis ab hominibus de Antiquo Dominico, nec a Nativis*, eſt un Brief de phibit l' Viſcount

d levier aſcun Allowance pur les Chivalers del County ſur tiels queux tiendront en Ancient Demeſne, &c. *Ibidem, fol.* 261. *b.*

to leby any Allowance for the Knights of the County upon ſuch as hold in Ancient Demeſne, &c. Ibidem fol. 261. b.

Extend.

EXtend eſt, appraiſer les Terres ou Tenements d un oblige per Statute, &c. que ad ceo forfeite, & deliverer eux al Conuſee a tiel endifferent rate, come per l' annuel Profits le Conuſee en temps poit eſtr̄ ſatisfie ſon Det. Veies *Fitz. N. B. fol.* 131. & *Cok. lib.* 4. *fol.* 67. *Fulwoods Caſe.*

Extend.

EXtend is, to value the Lands or Tenements of one bound by Statute, &c. that hath forfeited it, and to deliver them to the Conuſee at ſuch indifferent rates, as that by the yearly Profits the Conuſee in time may be ſatisfied his Debt. See Fitz. Nat. B. fol. 131. and Coke, lib. 4. fol. 67. Fulwoods Caſe.

Extendi Facias.

EXtendi *facias*, eſt un Brief comunement appel *Brief de Extent*, per que le value del Terre, *&c.* eſt comande d'eſtre fait & levy en divers Caſes, quel vies en le Table del Regiſter Original.

Extendi Facias.

EXtendi facias, is a Writ commonly called a Writ of Extent, whereby the value of Land, &c. is commanded to be made and levied in ſeveral Caſes, which ſee in the Table of the Regiſter of Writs.

Extent.

EXtent ad deux ſignificatiõs: L'un eſt un Bre ou Commiſſion al Viſcount pur le valuing del Terres ou Tenements; l'auter, l' act del Viſcount ou auter Comiſſioner ſur m̄ Brief. *Broke, tit. Extent, fol.* 313.

Extent.

EXtent has two ſignifications: The one is a Writ or Commiſſion to the Sheriff for the valuing of Lands or Tenements; the other, the Act of the Sheriff or other Commiſſioner upon the Writ. Broke, tit. Extent. fol. 313.

Extinguiſhment.

EXtinguiſhment eſt, lou un Sr̄ ou aſc' aut' ad aſcun Rent ou Service iſſuāt daſcun Terr̄, & il p̄chaſe m̄ le Terr̄, iſſint q̄ il ad tiel Eſtate en le Terr̄ cõe il avoit ē le Rent; donques le Rent eſt *extinct*, p̄ ceo que un ne poit aver Rent iſſuant hors d ſon Terr̄ demeſn̄. Auxy q̄t aſcun Rent ſerra *extinct*, il covient q̄ le Terr̄ & le Rent ſont en un main̄, & auxy q̄ l'Eſtate

Extinguiſhment.

EXtinguiſhment is, where a Lord, or any other, hath any Rent or Service going out of any Land, and he purchaſes the ſame Land, ſo that he hath ſuch Eſtate in the Land as he hath in the Rent; then the Rent is extinct, for that one may not have Rent going out of his own Land. Alſo when any Rent ſhall be extinct, the Land and the Rent muſt be in one hand, the Eſtate indefeſible

feasible, and he have as good Estate in the Land as in the Rent; for if he have Estate in the Land but for Life or Years, and hath Fee-simple in the Rent, then the Rent, is not extinct, but in suspence for that time, and after the term the Rent is revived.

If there be Lord, Mesne, and Tenant, and the Lord purchase the Tenancy, the Mesnalty is extinct; but the Mesne shall have the surplusage of the Rent, if there be any, as Rentseck. Also if a man have a High-way appendant, and after purchase the Land wherein the High-way is, then the Way is extinct: and so it is of a Common appendant.

Extirpatione.

EXtirpatione, is a Writ judicial that lieth against him, who after verdict given against him for Land, &c. doth maliciously overthrow any House upon it, &c. And is twofold, viz. Ante Judicium & post Judicium. See Reg. Judic. fol. 13, 56, 58.

Extortion.

EXtortion is wrong done by any Officer, Ordinary, Archdeacon, Official, Major, Bailiff, Sheriff, Escheator, Coroner, Under-Sheriff, Goaler, or other Officer, by colour of his Office, by taking excessive Reward or Fee for execution of his Office, or otherwise; and is no other thing indeed than plain Robbery, or rather more odious than Robbery: for Robbery is apparent, and always hath with it the countenance of Vice: but Extortion, being as great a Vice as Robbery is, carries with it a countenance of Vertue, by means whereof it is the more hard to

q̄ il ad ne soit defeasible, & auxy q̄ il ayt auxi boñ Estate en le Terr̄ com̄ en le Rent; car sil ad Estate ē le Terr̄ forsque p̄ vie ou pur ans, & ad un Fee-simple en le Rent, donques le Rent nest *extinct*, mes est en suspence pur cel tēps, & apres le terme le Rent est revive.

Si soit Sñr, Mesne, & Tenant, & le Seignior purchase le Tenancie, le Mesnaltie est extinct; mes le Mesne avera le surplusage del Rent, si ascun soit, come Rent secke. Auxy si hōe ad Chimin appendant, & puis purchase le Terre en que le Chimin est, donques le Chimin est extinct; & issint est de un Common appendant.

Extirpatione.

EXtirpatione, est un Brief judicial que gist vers luy qui puis verdict dōe vers luy p̄ Terres, maliciousment subvert ascun Huise sur ceo, *&c.* Et est duplex, scil, *Ante Judicium, & post Judicium.* Vid. *Reg. Judic. fol.* 13, 56, 58.

Extortion.

EXtortion est un Tort fait per un Officer, Ordinary, Archdeacon, Official, Major, Bailife, Viscount, Escheator, South-Viscount, Coroner, Gaoler, ou auter Officer, *Colore Officii Jui*, en prendant excessive Reward ou Fee p̄ execution de son Office, ou autrem̄t; & nest auter chose en fait que plain̄ Robberie, mes pluis odible q̄ Robberie: car Robberie est apparant, & tout temps ad ove luy le countenance de Vice; mes *Excortion*, esteant cy hault Vice q̄ Robberie est, port ove luy un countenance del Vertue, p̄ reasō d̄ quel il est le pluis

dure deſtr̃ trie ou diſcerne, & pur ceo le pluis odible. Et uncor̃ aſcuns il y ad que ne voiloient demurr̃ mes ſtretch lour Office, Credit, & Conſcience, p̄ purchaſer Money, cyb ē p Extortiō come autermt, accordant al dilant de le Poet *Virgil*, *Quid non mortalia pectora cogis, Auri ſacra fames?*

be tried or diſcerned, and therefore the more odious. And yet ſome there are that will not ſtick to ſtretch their Office, Credit, and Conſcience, to purchaſe Mony, as well by Extortion as otherwiſe, according to the ſaying of the Poet Virgil, What is it that the greedy thirſt of Gold doth not conſtrain mortals to attempt?

Extrajudicial.

EXtrajudicial eſt quant Judgment eſt done en un Cauſe ou Caſe nient dependant en tiel Court lou tiel Judgment eſt done, ou en que, le Judge ne avoit Juriſdiction.

Extrajudicial.

EXtrajudicial is when Judgment is given in a Cauſe or Caſe not depending in that Court where ſuch Judgment is given, or wherein the Judge hath not Juriſdiction.

Extraparochial.

EXtraparochial eſt de eſtre hors de aſcun Pariſh, ou deſtre privilege ou exempt del Duties de un Pariſh. *Stat.* 22, & 23 *Car.* 2.

Extraparochial.

EXtraparochial is to be out of any Pariſh, or to be privileged or exempt from the Duties of a Pariſh. Stat. 22 & 23 Car. 2.

F.

Faculty.

FAculties eſt un pol pluſors foits uſe ē le Statute de 25 *H.* 8. *c.* 21. & il ſignifie un Priviledge ou ſpecial Diſpenſation grant al home per favor & indulgence, d̄ faīr ceo q̄ per le Ley il ne puit faīr; ſicōe de manger Chair ē jours prohibits, ou p̄ tener deux ou pluſors Eccleſiaſtical Benefices enſemble, &c. Et p̄ le grant' de ceux *Faculties* la eſt un eſpecial Officer deſouth l' Archevelq; de *Canterburie*, que eſt appel le *Maſter des Faculties*.

F.

Faculty.

FAculty is a word often uſed in the Statute of 25 Hen. 8. cap. 21. and it ſignifies a Priviledge or ſpecial Diſpenſation granted unto a man by favour and indulgence, to do that which by the Law he cannot do; as to eat Fleſh upon days forbidden, or to hold two or more Eccleſiaſtical Livings, and the like. And for the granting of theſe Faculties there is a ſpecial Officer under the Arch-biſhop of Canterbury, called, The Maſter of the Faculties.

Failing

Failing of Record.

FAiling of Record is, when an Action is brought againſt one, who pleads any matter of Record, and avers to prove it by Record; and the Plaintiff ſaith there is no ſuch Record; whereupon the Defendant hath day given him to bring in the Record; at which day he fails, or brings in ſuch a one as is no Bar to this Action: then he is ſaid to fail of his Record; and thereupon the Plaintiff ſhall have Judgment to recover, &c.

Faint { Action, Pleading.

FAint Action (as Littleton, fol. 154. ſaith) is as much as to ſay in Engliſh, a Fained Action, that is, ſuch Action, as though the words of the Writ be true, yet for certain cauſes he hath no title by the Law to recover by the ſame Action: And a falſe Action is, where the words of the Writ are falſe. So Faint Pleading is a covinous, falſe, and colluſory manner of Pleading, to the deceit of a third party. And againſt ſuch Faint Pleading, amongſt other things, the old Statute in 3 E. 1. cap. 29. ſeems to be made.

Deed.

DEed is a Writting ſealed and delivered, to prove and teſtifie the agreement of the party whoſe Deed it is to the thing contained in the Deed; as a Deed of Feoffment is a Proof of the Livery of Seiſin, for the Land paſſes by the Livery of Seiſin; but when the Deed and the Delivery are joyned together, that is a proof of the Li-

Failer de Record.

F*Ailer de Record* eſt, quãt un Action eſt port envers un, que plede aſcun matter de Record, & averre de ceo prove per le Record; & le Plaintife dit nul tiel Record; ſur q; le Defẽdãt ad jour don a luy p̃ ameſn̄ eins le Record; a quel jour il *faile*, ou ameſn̄ eins un tiel que neſt Barre al ceſt Action: donques il eſt dit pur *failer de ſon Record*; & ſur ceo le Plaintife avera Judgment de recoverer.

Faint { *Action*, *Pleader*.

F*Aint Action* (come *Littleton*, *fol.* 154. dit) eſt autãt a-dire en *Anglois*, un *Fained Action*, ceſtaſcavoire, tiel Action, q; coñt q; les pols de le Bre ſont voyer, uncore pur certain cauſes il nad title per la Ley de recover per meſm̄ l' Action: Et *Faux Action* eſt, lou les parols del Brief ſont faux. Iſſint *Faint Pleader* eſt un covinous, faux & collaſorie manner de Pleading, al deceipt d un tierce ptie. Et encounter tiel Faint Pleader, ent' auters choſes, le vieux Statute en 3 *E.* 1. *c.* 29. ſemble deſtre fait.

Fait.

F*Ait* eſt un Eſcript enſeale & deliver, a prover & teſtifier l' Agreement del partie quel Fait il eſt al choſe containe en le Fait: come un Fait de Feoffment eſt un Prove del Liverie de Seiſin, car le Terre paſſe per le Liverie de Seiſin; mes quant le Fait & le Liverie eſt joynte enſemble, ceſt un

Prove del Liverie, & que le Feoffor eſt content, que le Feoffee avera le Terre.

Touts Faits ſont ou *Indent*, de quel ſont deux, trois ou pluſors partes, come le caſe requiere; de que le Feoffor, Grantor, ou Leſſor ad un; le Feoffee, Grantee, ou Leſſee, un auter, & padventure aſc' aut perſou auxy un tierce, *&c.* Ou autermt ils ſont *Faits Poll*, ſingle & forſque un, le quel le Feoffee, Grantee, ou Leſſee ad, *&c.* Et cheſcun Fait conſiſt de trois principal choſes, (ſans quel il neſt perfect Fait de lier les parties) noſmement, *Eſcripture*, *Sigillation*, & *Deliverie*.

1. Per *Eſcripture* eſt declare les Noſmes del parties al Fait, lour Habitations, lour Degrees, le Choſe grauntus, ſur queux Conſiderations, l' Eſtate limit, le Temps qm̃ il fuit grauntus, & ſi ſimplem̃t, ou ſur Condition, ove auters tiels ſemblables Circumſtances. Mes ſi les parties al Fait eſcript en le fine eſcrient lour Noſmes, ou mis a ceo lour Markes, (come il eſt communement uſe) il ne fait aſcun matter, (come jeo ſuppoſe) car ceo neſt entende, ou il eſt dit, que cheſcun Fait covient de aver Eſcripture.

2. *Sigillation* eſt pluis Teſtimonie de lour Conſents al ceo containe ẽ le Fait; come appiert p ceux parols, *In cujus rei Teſtimonium*, *&c.* ou a tiel effect, mis en le fine de Fairs, ſans queux parols le Fait eſt inſufficient.

Et pur ceo que nous ſumus en Sigillation & Signing de Faits, il ne ſerra dehors icy a monſtre a vous, pur l'amour del Antiquitie, le manner del

very, and that the Feoffor is contented that the Feoffee ſhall have the Land.

All Deeds are either Indented, whereof there are two, three, or more parts, as the caſe requires; of which the Feoffor, Grantor, or Leſſor hath one; the Feoffee, Grantee, or Leſſee another; and peradventure ſome other body a third, &c. Or elſe they are Poll Deeds, ſingle, and but one, which the Feoffee, Grantee or Leſſee hath, &c. And every Deed conſiſts of three principal Points, (without which it is no perfect Deed to bind the Parties) namely, Writing, Sealing, and Delivery.

1. By Writing is ſhewed the parties Names to the Deed, their Dwelling-places, their Degrees, the Thing granted, upon what Conſiderations, the Eſtate limited, the time when it was granted and whether ſimply, or upon Condition, with other ſuch like Circumſtances. But whether the parties to the Deed write in the end their Names, or ſet to their Marks, (as it is commonly uſed) it matters not at all, (as I think) for that is not meant, where it is ſaid, that every Deed ought to have Writing.

2 Sealing is a farther Teſtimony of their Conſents to what is contained in the Deed; as it appears in theſe words, In Witneſs whereof, *&c.* or to ſuch effect, always put in the latter end of Deeds, without which words the Deed is inſufficient.

And becauſe we are about Sealing and Signing of Deeds, it ſhall not be much amiſs here to ſhew you, for Antiquities ſake, the manner of Signing and

Sub-

Subſcribing Deeds in our Anceſtors the Saxons time, a faſhion differing from that we uſe now, is this, That they to their Deeds ſubſcribed their Names, (commonly adding the Sign of the Croſs) and in the end did ſet down a great number of Witneſſes, not uſing at that time any kind of Seal: And we at this day, for more ſurety, both ſubſcribe our Names, (though that be not very neceſſary) and put to our Seals, and uſe the help of Witneſſes beſides.

That former faſhion continued abſolute until the time of the Conqueſt by the Normans, whoſe manners by little and little at the length prevailed amongſt us; for the firſt Sealed Charter in England, is thought to be that of King Edward the Confeſſor, to the Abbey of Weſtminſter, who being educated in Normandy, brought into the Realm that and ſome other of their Faſhions with him. And after the coming of William the Conquerour, the Normans liking their own Country Cuſtom, (as naturally all Nations do) rejected the manner that they found here, and retained their own, as Ingulphus the Abbot of Croiland, who came in with the Conqueſt, witneſſes, ſaying; The Normans do change the making of Writings (which were wont to be firmed in England with Croſſes of Gold, and other holy Signs) into an Impreſſion of Wax, and reject alſo the manner of the Engliſh Writing. Howbeit, this was not done all at once, but it increaſed and came forward by certain degrees: ſo that firſt and for a ſeaſon the King only or a few

Signing & Subſcribing de Faits en noſtre Anceſtors le *Saxons* temps, un faſhion different d ceo que nous uſe en ceux noſtre jours, eſt ceo, que ils a lour Faits ſubſcribe lour Noſmes, (communement adding le Signe del Croſſe) & en le fine mis un graund number de Teſtmoignes, nient uſant a cel temps aſcun mañ d Sigil: Et nous a ceſt jour, pur pluis ſuretie, auxybien ſubſcribe noſtre Noſm̃, (niēt obſtāt ceo neſt mult neceſſarie) & mis noſtre Sigille, & uſe le aide des Teſtmoignes auxy.

Ceſt primer faſhion continue per tout tanque al temps del Conqueſt per les *Normans*, quel manners per petite & petite al darreine prevaile enter nous; car le primer Charter Sigil en *Angleterre* eſt penſe deſtre ceo del Roy *Edward* le Confeſſor, al Abbey de *Weſtminſter*, que eſteāt educate en *Normandie*, port ē ceſt Realme ceo & aſcun auter de lour guiſes. Et apres le veniēs de *Guilliam* le Conquerour, les *Normans* eſtimants de le Cuſtome d' lour Pays, (come naturalment touts Nations ſont) reject le mañer que ils trovont cy, & retreignont lour proper, come *Ingulphus* l'Abbot de *Croiland*, que vient eins ove l' Conqueſt teſmoigne, dicens; *Normanni Chirographorum confectionem*, (*eum Crucibus aureis & aliis ſignaculis ſacris in* Anglia *firmari ſolitam*) *in Ceram impreſſam mutant, moduſque ſcribendi* Anglicum *rejiciunt*. Mes nient obſtant ceo ne ſuit fait tout al un temps, mes il increaſe & vient eins per certain degrees: iſſint que primes & pur un ſeaſon le Roy ſolemt,

ou un peu aut' d̄ le Nobilitie, uſe de Sigiller; donques le Noble-homes p̄ le pluis part, & nul auters. Quel choſe un home poit veier en le Hiſtorie de *Battel Abbey*, lou *Rich. Lucie* Chief Juſtice de *Angleterre*, en la temps del Roy *Hen.* le Second, eſt report de aver blame un meane ſubject, p̄ ceo que il uſe un private Sigille, quant ceo pertain (come il dit) al Roy & Nobility ſolement.

other of the Nobility, uſed to Seal; then the Noble-men, for the moſt part, and none other. Which thing a man may ſee in the Hiſtory of Battle Abbey, where Richard Lucie Chief Juſtice of England, in the time of King Henry the Second, is reported to have blamed a mean Subject, for that he uſed a private Seal, whereas that pertained, (as he ſaid) to the King and Nobility only.

A quel tēps auxy (come *J. Roſſe* note ceo) ils uſe de ingrave en lour Sigils lour Pictures demeſne & counterfeits, cover ove longe Tunicle ſuper lour Armours. Mes apres ceo les Gentlehomes d̄l meliour ſort priſt l' faſhiō, & p̄ ceo q̄ ils ne fuerōt touts Guerriours, ils ſeſoient Sigills ingrave ove lour ſeveral Coats ou Shields de Armes, p̄ difference, come meſme l' Authour report. Al darreine, en temps del Roy *Ed. le* 3. Sigils fueront mult common; iſſint que non ſolement tiels que portant Armes uſe de Sigiller, mes auters hōes auxy ſeſoiēt al eux meſm̄s Signets de lour deviſes demeſne, aſcuns Flowers, aſcuns Knots & Flouriſhes, aſcuns Oyſeaux & Beaſts, & aſcuns auters choſes, come nous ore unc' journalment veiomus en uſe.

At which time alſo (as J. Roſſe notes it) they uſed to ingrave in their Seals their own Pictures and Counterfeits, covered with a long Coat over their Armors. But after this, the Gentlemen of the better ſort took up the Faſhion, and becauſe they were not all Warriors, they made Seals ingraven with their ſeveral Coats or Shields of Arms, for difference ſake, as the ſame Author reports. At length, about the time of King Edward the third, Seals became very common; ſo that not only ſuch as bear Arms uſed to Seal, but other men alſo faſhioned to themſelves Signets of their own Devices, ſome taking the Letters of their own Names, ſome Flowers, ſome Knots and Flouriſhes, ſome Birds and Beaſts, and ſome other things, as we now yet daily ſee uſed.

Aſcuns autres manners de Sigillation ouſter ceux ad eſte oye enter nous; come noſmement ceo del Roy *Edward* le tierce, p̄ que il done al *Norman* le Hunter,

Some other manners of Sealings beſides theſe have been heard of among us; as namely, that of King Edward the third, by which he gave to Norman the Hunter,

Le Hop, & le Hop-ville,
Ove touts les bounds upſide down:
Et en teſtimoign' que il ſoit verie,

The Hop and the Hop-Town,
With all the bounds upſide down:
And in witneſs that it was ſooth,

He

He bit the Wax with his fore-tooth,

Il mord' le Cere ove ſon fore-dent.

The like to this was ſhewed me by one of my Friends in a looſe Paper, but not very anciently written, and therefore he willed me to eſteem of it as I thought good: It was as follows.

I William King, give to thee Powlen Royden my Hop and my Hop-Lands, with all the bounds up and down, from Heaven to Earth, from Earth to Hell, for thee and thine to dwell, from me and mine, to thee and thine, for a Bow and a broad Arrow, when I come to hunt upon Yarrow. In witneſs that this is ſooth, I bite this Wax with my tooth, in the preſence of Magge, Maud, and Margery, and my third Son Henry.

Alſo that of Alberick de Vere, containing the Donation of Hatfield, to which he affixed a ſhort black-hafted knife, like an old half-peny whittle, inſtead of a Seal: with divers ſuch like.

But ſome peradventure will think, that theſe were received in common uſe and cuſtom, and that they were not the Devices and pleaſures of a few ſingular perſons: ſuch are no leſs deceived then they that deem every Charter and Writing, that hath no Seal annexed, to be as ancient as the Conqueſt; whereas indeed Sealing was not commonly uſed till the time of King Edw. 3. as hath been already ſaid.

Le ſemblable d̄ ceſt ſuit mō-ſtre a moy p̄ un de mes amies ē un looſe chart', mes nō mult ancientm̄t eſcript, & p̄ ceo il voile moy q̄ jeo eſteema d̄ c' come jeo penſe bien: Il fuit come enſuiſt.

Jeo Guillam King *dona a vous* Powlen Royden *ma Hop & ma Hop-terres, ove touts les bounds up & down, de Cœlo al Terre, de Terre ad Infernum, pur toy & veſtres a demurrer d' moy & mes, al toy & veſtres, pur un Arc & un broad Sagit, quant jeo veign' pur hunt ſur Yarrow. In teſtimoign' que ceo eſt veray, Jeo morde ceſt Cere ove mon dent, en preſence de* Magge, Maud, & Margery, *& mon tierce fitz* Henry.

Itē ceo d' *Alberick* d' *Vere*, conteignont le Donation de *Hatfield*, al quel il fixe un curt noyer-haft Cuttle, ſemblable al un vieux demy-denier whittle, en ſteed de un Seal: ove divers tiels ſemblables.

Mes aſc' peradventure voilent penſe que ceux ſueront receive en common uſe & cuſtome, & que ils ne fueront les deviſes & pleaſures d̄ un peu ſingular p̄ſōs: tiels ne ſōt meines deceive q̄ ils que penſont cheſcun Charter & Eſcript, que ne ad Sigille annexé, deſtre cy auntient come l' Conqueſt; lou ē veritie Sigillation ne fuit communem̄t uſque tanque al temps del Roy *Ed.* 3. come ad eſte dit.

3. Delivery, though it be ſet laſt, is not the leaſt; for after a Deed is written and ſealed, if it be not delivered, all the reſt is to no purpoſe.

3. *Deliverie*, niēt obſt' il ſoit mis darreign, neſt l' meaneſt; car aps q̄ un Fait ſoit eſcript & ſigille, ſi ne ſoit *deliver*, tout le reſidue eſt a nul purpoſe.

Et

Et ceſt *Deliverie* doit eſtre fait p̄ le Partie luy meſme, ou ſon ſufficient Garrant; & iſſint il luy liera quecunque eſcript ou ſigil ceo: & per ceſt darreigne act le Fait eſt fait perfect, accordant al entent & effect de ceo; & p̄ c' en Faits le Liverie eſt deſtre prove, &c.

Iſſint poyes veyer, Eſcripture & Sigillation, ſans Deliverie, eſt a nul purpoſe: Sigillation & Deliverie, lou neſt aſc' Eſcripture work nul choſe: Et Eſcripture & Deliverie, ſans Sigillation auxy, fait nul fait. Et pur ceo ils touts doient jointm̄t concur p̄ faire un perfect Fait.

And this Delivery ought to be done by the Party himſelf, or his ſufficient Warrant; and ſo it will bind him whoſoever wrote or ſealed the ſame: and by this laſt act the Deed is made perfect, according to the intent and effect of it; and therefore in Deeds the Delivery is to be proved, &c.

Thus you ſee, Writting and Sealing, without Delivery, is nothing to purpoſe: Sealing and Delivery, where there is no Writting work nothing: And Writting and Delivery, without Sealing, make no Deed. Therefore they all ought joyntly to concur to make a perfect Deed.

Faitour.

Faitour.

F*Aitour* eſt un parol q̄ eſt uſe en le vieux repeale Statute de 7 *R.* 2. *cap.* 5. & eſt la priſe ē l' pire ſenſe, p̄ un Male feaſor, ou un Oiſif companiō & ſemble icy deſtr̄ un Synonymon al *Vagabond.*

FAitour is a word uſed in the old repealed Statute of 7 R. 2. cap. 5. and it is there taken in the worſer ſenſe, for an Evil doer, or an Idle companion, and it ſeems there to be a Synomymon to Vagabond.

Faldage.

Faldage.

F*Aldage* eſt un privilege que ancientment diverſe Seignieurs reſervont a luy meſmes pur erecting de Folds pur lour berbits en anſcun agers deins lour Mannor pur le melieur manuring de ceo, & ceo non ſolement deins lour propres, mes auxi lour Tenants berbits, q̄el ils appellont *Secta Faldæ.* Ceſt *Faldage* en aſcun lieus eſt appel *Fold-courſe* ou *Free-fold*, & en vieux Charters *Fald-foca*, i. e. *Libertas Faldæ* ou *Faldagii.*

FAldage is a Privilege which anciently ſeveral Lords reſerved to themſelves of ſetting up Folds for Sheep in any Fields within their Mannors, the better to manure them; and this not only with their own, but their Tenants Sheep, which they call Secta Faldæ. This Faldage in ſome places is termed Fold-courſe or Free-fold, and in ſome old Charters Fald-foca, i. e. Libertas Faldæ, or Faldagii.

Falkland ou *Folkland.*

V*Eies* Copyhold & Freehold.

Falkland *or* Folkland.

SEE Copyhold and Freehold.

Falſo

Falſo retorno Brevium.

FAlſo retorno Brevium, is a Writ which lies againſt the Sheriff for falſe Return of Writs, Reg. Judic. fol. 43. b.

Fardingdeale.

FArdingdeal, otherwiſe Farundel, of Land, ſignifies the fourth part of an Acre, Cromptons Juriſd. fol. 229. b. Quadrantata terræ is read in the Reg, orig. fol. 1. b. where you may have Denariata and Obolata, Solidata and Librata terræ which by probability muſt riſe in proportion of quantity from Fardingdeal, as a Half-peny, Peny, Shilling, or Pound, riſe in value or eſtimation; then muſt Obolata be Half an Acre, Denariata the Acre, Solidata Twelve Acres, and Librata Twelve ſcore Acres. Yet in the Reg. orig. fol. 94, and 248. you may find viginti Libratas terræ vel reditus; whereby it ſeems that Librata terræ is as much as yields twenty ſhillings by the year, and centum Solidatas terrarum, tenementorum, & redituum, fol. 249. And in F. N. B. f. 87. there are theſe words, Viginti Libratas terræ vel reditus, which proves this to be ſo much Land as is rated at twenty ſhillings by the year. See Furlong.

Farm, *or* Ferm

FArm, or Ferm, is uſually the chief Meſſuage in a Village or Town, whereto belongs great Demeans of all ſorts, and hath been uſed to be let for term of Life, Years, or at Will.

The Rent that is reſerved upon ſuch a Leaſe, or the like, is called Farm, or Ferm.

Falſo retorno Brevium.

F*Alſo retorno Brevium*, eſt un Brief que giſt vers le Viſcount pur falſe Retorn del Briefs. *Reg. Judic fol.* 43. *b.*

Fardingdale.

F*Ardingdeale*, auterment *Farundel*, de Terr̃, implia le Quart part dun Acre, *Crompt. Juriſd. fol.* 220. *b. Quadrantata terræ* eſt lie en le *Regiſt. orig. fol.* 1. *b.* lou vous aves auxy *Denariata* & *Obolata*, *Solidata* & *Librata terræ*, que per probabilitie ſurderoit en proportion de quantitie de *Fardingdeal*, come un Male, Denier, Soulz, ou Liver ſurdont en value & eſtimation; donque *Obolata* eſt un Demy Acre, *Denariata* l' Acre, *Solidata* Douze Acres, & *Librata* Douze ſcore Acres. Uncor̃ ē l' *Reg. orig. fol* 94. & 248. vous poyes trove *viginti Libratas terræ vel reditus*; p q̃ il ſemble que *Librata terræ* eſt tanti que dona vigint ſoulx per l' an; & *centum Solidatas terrarum, tenementorum, & redituum, fol.* 249. Et en *F. N. B. fol.* 87. la ſont ceux parols, *Viginti Libratas terræ vel reditus*, que prova ceo deſtre tant Terre cõe eſt rate al vigint ſoulz p l' an. Veies *Furlong*.

Farme, ou *Ferme.*

F*Arme*, ou *Ferme*, eſt uſualment le chief Meſſuage ē un Village ou Town, a que apertinent grād Demeans de touts ſorts, & ad eſte uſe deſtre leſſe pur terme de vie, ans, ou a voluntr.

Le Rent que eſt reſerve ſur tiel Leaſe, ou ſemble eſt appelle *Farme* ou *Ferme*.

Et

Et *Farmour* ou *Fermour* eſt celuy que occupia le Farme ou Ferme, ou eſt Leſſee de ceo.

Auxy geñalm̃t cheſc' Leſſee p̃ vie, ans, ou al volunt, eſt appel Farmour, ou Fermour.

Et nota, Que ils ſont appelles Farmes, ou Fermes, del *Saxon* parol *Feormian*, que ſignifie pur feed, ou rend Victual: Car en ancient temps lour Reſervations fueront cybien en Victual come Argent; tanque al darreiñ, & ceo principalm̃t ẽ le tẽps de Roy *H.* 1. per agreem̃t, le Reſervation de Victuals, fuit convert en redie Argent, & iſſint uncore ad continue ent' pluſors homes.

And Farmor or Fermor, is he that Tenants the Farm or Ferm, or is Leſſee thereof.

Alſo generally every Leſſee for life, years, or at will, is called Farmor, or Fermor.

And note, That they are called Farms, or Ferms, of the Saxon word Feormian, which ſignifies to Feed, or yield victual: For in ancient time their Reſervations were as well in Victuals as Money, until at the laſt, and that chiefly in the time of King Henry the firſt, by agreement, the reſervation of Victuals was turned into ready Money, and ſo hitherto hath continued amongſt moſt men.

Fate, ou *Fatt*.

FAte, ou *Fatt*, eſt un Meaſure mention en les Statutes de 1. *H.* 5. *cap.* 10 & 11 *H.* 6. *cap.* 8. pur conteiner huict Boiſſeaus: mes les Citizens & Merchants de *Londres* (com̃ appiert p̃ ceux Statutes) & les Purveiors le Roy voilont aver ceo Meaſure & un Boiſſeau ouſter pur Quartier; & iſſint ils avoient neufe Boiſſeaus pur un Quartier de Blee.

Fate, *or* Fatt.

FAte, or Fatt, is a Meaſure mentioned in the Statutes of 1 H. 5. cap. 10. and 11 H. 6. cap. 8. to contain eight Buſhels: but the Citizens and Merchants of London (as it appears by thoſe Statutes) and the King's Purveyors would have that meaſure and a Buſhel over for one Quarter; and ſo they had nine Buſhels for one Quarter of Corn.

Faux Impriſonment.

FAux *Impriſonmeut* eſt un Brief que giſt lou home eſt arreſt & reſtraine de ſon Libertie per un auter encounter Order de Ley; donques il avera vers luy ceſt Brief, per que il recovera Dammages. Veies pluis de ceo devant, *tit. Arreſt.*

Faux Impriſonment.

FAux Impriſonment is a Writ that lies where a man is arreſted and reſtrained from his Liberty by another againſt the order of the Law; then he ſhall have againſt him this writ, whereby he ſhall recover Damages. See more thereof before, tit. Arreſt,

Faux Judgment.

FAux *Judgment.* Veies de ceo devant, *tit. Error.*

Faux Judgment.

FAux Judgment. See thereof before, tit. Error.

Fealty.

Fealty.

FEalty is a Service, called in Latine Fidelitas, and ſhall be done in this manner; viz. The Tenant ſhall hold his right hand upon a Book, and ſhall ſay to his Lord; I ſhall be to you faithful and true, and ſhall bear to you *Faith* for the Lands and Tenements which I claim to hold of you, and truly ſhall do you the Cuſtoms and Services that I ought to do to you at the terms aſſigned; So help me God: and ſhall kiſs the Book: but he ſhall not kneel, as in doing Homage. And thereof ſee after in the Title Homage. Alſo Fealty is incident to all manner of Tenures.

Fealty.

FEaltie eſt un Service, appelle en *Latine Fidelitas*, & ſerra fait en tiel manner; ceſtaſcavoire, le Tenãt tiendr̃ la main dexтre ſur un Livre & dirra a ſon Sñr, *Jeo a vous ſerra foyal & loyal*, & Foy *a vous portera des Tenements que jeo claim de tener de vous, & verament a vous ſerra les Cuſtomes & Services que fair vous doy al termes aſſignes*; *Sicome moy ayde Dieu*: & baſera le Livre: mes il ne genuleſ̃, come en feſant Homage. Et de ceo veies apres en le Title *Homage*. Auxy *Fealty* eſt incident a touts manners de Tenures.

Fee.

FEE (Feodum or Feudum) cometh from the French word Fief, i. e. Feodum beneficiarium, vel res clientaris, and ſignifies in our Law an equivocal word of divers ſignifications: for it is moſt uſually taken for an Eſtate of Inheritance in Lands and Tenements to one and his Heirs, or to one and the Heirs of his Body. But it is uſed alſo for the Compaſs, Circuit or Extent of a Lordſhip or Mannor. And from thence comes the ordinary Plea in Bar to an Avowry, That the Land upon which he avows is out of his Fee. And thirdly, it is taken for a Reward or Wages given to one for the execution of his Office; as the Fee of a Forreſter, or the Keeper of a Park, or a Sheriffs Fee for ſerving an Execution, limited by the Statute of 29 Eliz. cap. 4. And it is alſo taken for that Conſideration which

Fee.

FEE (*Feodum* ou *Feudum*) vient del francois parol *Fief*, i. e. *Feodum beneficiarium, vel res clientaris*, & ſignifie en noſtre Ley vox æquivoca des divers ſignifications: car eſt plus communement priſe pur un Eſtate del inheritance en Terres ou Tenements al un & ſes heires, ou al un & les heirs d̃ ſon corps: Mes eſt uſe auxy pur le Compaſs, Circuit ou Extent d̃ un Seigniorie ou Mannor. Et de ceo venuſt l' ordinarie Plee ẽ Barre al un Avowry, Que le Terre ſur que il avow eſt hors de ſon *Fee*. & tiercemr, il eſt priſe pur le Reward ou Salarie doñ al un pur l' execution, de ſon Office; cõe le Fee dun Forreſter, ou le Gardein dun Parke, ou le Fee dun Viſc' pur l' ſerver dun Execution, come eſt limit per l' Statute 29 *El. c.* 4. Et iſſint eſt auxy priſe pur ceo Conſideratiõ q̃

eſt

eſt doñ al un Sergeãt al Ley, ou al un Pleader, ou un Phyſitian, pur lour Counſel ou adviſe en lour profeſſion, que (come eſt bien obſerve per Sir *J. Davies*, en ſon Preface a ſes Reports) neſt proprm̃t *Merces*, forſque *Honorarium*. Mes uncore en le dialect de nr̃e Ley c' eſt appel ſon *Fee*.

is given a Sergeant at Law, or a Councellor, or a Phyſitian, for their Counſel or Advice in their profeſſion, which (as it is well obſerved by Sir Jo. Davies, in his Preface to his Reports) is not properly Merces, but Honorarium. Yet in our Law-language it is called his Fee.

Fee expectant.

Fee Expectant.

FEE *expectant*: Lou Terres ſont doñ al home & ſon feme en Frank-marriage, a aver & tener al eux & lour heires, en ceſt caſe ont Fee-ſimple; mes ſi ſont doñ a eux & les heires de lour corps, &c. ont Taile & *Fee expectant*. *Kitch. fol.* 153.

FEE expectant: where Lands are given to a man and his wife in Frank-marriage, to have and to hold to them and their heirs, in this caſe they have Fee-ſimple; but if they are given to them and the heirs of their body, &c. They have Tail and Fee-expectant. Kitch. fol. 153.

Fee Ferm.

Fee Farm.

FEE *Ferm* eſt, quant un Tenant tient de ſon Seignior en Fee-ſimple, rendant a luy value del moitie, ou de tierce pr̃t, ou auter part del Terre p̃ an. Et il que tient en *Fee Ferme* ne doit payer Relief, ou faire auter choſe, q̃ n' eſt conteiñ en le Feoffment, forſq; Fealtie, car c' appent a touts manners de Tenures.

FEE Farm is, when a Tenant holds of his Lord in Fee-ſimple, paying to him the value of half, or of the third, fourth, or other part of the Land by the year. And he that holds by Fee-Farm, ought not pay Relief, or do any other thing that is not contained in the Feoffment, but Fealty, for that belongs to all kind of Tenures.

Fee-ſimple.

Fee-ſimple.

FEE-*ſimple* eſt, quant aſcun perſon tient Terre ou Rent, ou auter choſe, inheritable a luy & ſes Heires a touts jours; & ceux pols, *Ses Heires* ſont l'Eſtate d̃ inheritãce; car ſi Terre ſoit done a hõe a touts jours, unc' il nad forſq; Eſtat' p̃ vie.

Auxy ſi Tenant en Fee-ſimple devie, ſon primer Fits ſerra ſon Heire; mes ſil nad Fits, donque touts les Files ſerront

FEE-ſimple is, when any perſon holds Lands or Rent, or other thing, inheritable to him and his Heirs for evermore; and theſe words, His Heirs, make the Eſtate of Inheritance; for if the Land be given to a man for ever, yet he hath but an Eſtate for Life.

Alſo if Tenant in Fee-ſimple die, his firſt ſon ſhall be his Heir; but if he have no Son, then all his Daughters ſhall be his

his Heirs, and every one ſhall have her part by partition: but if he have no Son nor Daughter, then his next Couſin collateral of the whole Blood ſhall be his Heir.

ſon Heire, & cheſcun avera ſon part p partic': mes ſil nad Fits ne File, donques ſon prochein Couſin collateral de le entire ſanke ſerra ſon Heire.

Felo de ſe.

FElo de ſe, is he that commits Felony by murthering himſelf: He ſhall forfeit his Goods, but not his Lands, becauſe he cannot be attainted of the Felony, Stamf. 19, 20. See Crompt. Juſtice of Peace, fol. 28.

Felo de ſe.

F*Elo de ſe* eſt il que commit Felony per murdering ſoy meſme: Il forfeitera ſes Biens mes nemy ſes Terres, pur ceo que il ne poet eſtre attaint del Felony, *Stamf.* 19, 20. Veies *Cromp. de Juſtic. de Paix, fol.* 28.

Felony.

FElony is a general term, which comprehends divers hainous Offences, for which the Offenders ought to ſuffer death, and loſe their Lands. And it it ſeems that they are called Felonies, of the Latin word Fel, which is in Engliſh, Gall, in French, Fiel; or of the ancient Engliſh word, Fell, or Fierce, becauſe they are intended to be done with a fell, fierce, or miſchievous mind. When a man without any colour of Law ſteals the Goods of another, amounting to the value of Twelve pence or more, that is Larceny: but if he approaches the Perſon of another in the High-way, and robs him of his Goods, although it be but to the value of one peny, it is Felony; and that is called Robbery, and therefore he ſhall be hanged.

Felonie.

F*Elonie* eſt un general terme, q̃ comprehend divers heinous Offences, pur que l' Offendors doient ſuffer mort, & perder lour Terres. Et ſemble que eux ſont appelles *Felonies*, del *Latine* parol *Fel*, que eſt en *Anglois Gall*, en *Francois*, *Fiel*; ou del ancient parol *Anglois*, *Fell*, ou Fierce pur ceo que ſont entends deſtr̃ faits *felleo animo*, ove fell, fierce, ou miſchievous mind. Quant home ſans aſc' colour de Ley emblea les biens d̃ un aut', amountant al value de xii deniers ou pluis, ceo eſt *Larceny*: mes ſi un approcha a le Perſon d̃ un aut' en le Hault-chimin, & luy robba de ſes biens, meſque ils ne ſont forſque al value de un denier, il eſt *Felonie*; & ceo eſt appel *Robberie*, & pur ceo il ſerra pendue.

Feme Covert.

FEme Covert is a Married Woman who is ſaid to be under the Coverture of her Huſband.

Feme Covert.

F*EmeCovert* eſt un Feme Marrie que eſt dit de eſtre deſouth le Coverture de ſa Baron.

Fence-moys.

Fence-moys eſt un parol del Forreſt, & ſignifie le ſpace d 31 jours en l'an, ceſtaſcavoire. 15 jours devant Midſummer, & 15 jours apres, en quel temps eſt prohibit pur aſcun home de chaſer en le Forreſt, ou de paſſer en ceo pur diſturber les feres. Le reaſon de que eſt, pur ceo que a ceo temps parturiunt Damæ. Et p̄ ceo ceſt Moys eſt appel le *Fence-moys*, ou Defence-moys, eo que les Dames ſont adōque deſtre defends del fright ou terror. Veies *Manw. Forreſt Leys, c.* 13. *fol.* 90. *b.*

Fence-month.

FEnce-month is a Forreſt word and ſignifies the time of 31 days in the year, that is to ſay, 15 days before Midſummer, and 15 days after, in which time it is forbidden for any man to hunt in the Forreſt, or to go into it to diſturb the wild Beaſts. The reaſon of which is, becauſe the Female Deer do then fawn. And therefore this Month is called the Fence-month, or Defence-month, for that the Deer are then to be defended from ſcare or fear. See Manwood. Forreſt Laws, cap. 13. fol. 90. b.

Feod.

Feod eſt le droit que le Vaſſal avoit en Terres ou al choſe imovable que appertient al ſon Seigneur pur uſer ceo & prender les profits de ceo, rendant al ſon Seigneur tiels feodal Duties & Services queux perteignont al military Tenure, le Property del ſoil touts foits remainant al Seigneur. *Spelman des Feuds & Tenures, cap.* 1.

Feod.

FEod is a right which the Vaſſal hath in Land, or ſome immovable thing of his Lords, to uſe the ſame and take the profits thereof, rendring unto his Lord ſuch feodal Duties and Services as belong to military Tenure, the meer propriety of the Soil always remains unto the Lord. Spelman of Feuds and Tenures, c. 1.

Feodarie.

Feodarie fuit un Officer en le Court de Gards, appoint p̄ le Mr. de ceo Court, p̄ vertue del Statute 32 *H* 8. *cap.* 46. deſtre preſent oveſq; l' Eſcheator en cheſc' Countie al trover des Offices, & a doner evidence pur le Roy cybien pur le Value come pur le Tenure. Et ſon Office fuit auxy pur ſurvey les Tres le Gard apres l' Office trove, & pur retourn le verie value d'eux en le Court; p̄ aſſigner Dower as Veſues le Roy; pur receiver

Feodarie.

FEodarie was an Officer in the Court of Wards, appointed by the Maſter of that Court, by virtue of the Statute 32 H. 8. c. 46. to be preſent with the Eſcheator in every County at the finding of Offices, and to give in evidence for the King as well for the Value as the Tenure. And his Office was alſo to ſurvey the Lands of the Ward after the Office found, and to return the true value thereof into the Court; to aſſign Dower unto the Kings Widows; to receive all the Rents of

of the Wards Lands within his Circuit, and to answer them to the Receiver of the Court. But see the Stat. 12 Car. 2. c. 24. for Abolishing the said Court.

Feodatary.

FEodatary is a Tenant who held his Estate by feodal Service.

Feodum laicum.

FEodum laicum, or Lands held in Fee from a Lay Lord, by the common Services, to which Military Tenure was subjected, in opposition to Ecclesiastical holding in Frank-almoigne discharged of such Duties.

Ferdella Terræ.

FErdella Terræ is Ten Acres, Fardel or a Yard-land. See Virgata Terræ.

Feoffment.

FEoffment is, where a man gives Lands, Houses, or other Corporal things which are Heritable, to another in Fee-simple, and thereof delivers Seisin and Possession. Also if one make a gift in tail, or a lease for life, Livery and Seisin must be given, or else nothing shall pass by the Grant.

Feoffor and Feoffee.

FEoffor is he that infeoffs or makes a Feoffment to another of Lands or Tenements in Fee-simple: And Feoffee is he who is infeoffed, or to whom the Feoffment is so made.

Ferdfare.

FErdfare is, to be quit from going to War, Flet. lib. 1. c. 47.

touts les Rents des Terres les Gardens deins son Circuit, & pur eux responder al Receiver le Court. Mes veies le Stat. 12 *Car.* 2. *c.* 24. p̄ Abolir le dit Court.

Feodatary.

FEodatary est un Tenant que tient son Estate per feodal Service.

Feodum laicum.

F*Eodum laicum*, ou Terres tient en fee del un lay Seigneur per le common Services as queux military Tenure fuit subject, en opposition al Ecclesiastical teignont en *Frank-almoigne* discharge *del tiels* burdēs.

Ferdella Terræ.

F*Erdelle Têrræ* est dix Acres, un *Fardel* ou Yard-land. See *Virgata Terræ.*

Feoffment.

F*Eoffment* est, lou un done Terre, Measons, ou tiel choses corporal hereditable, a un aut' en Fee-simple, & de ceo deliver Seisin & Possession. Aux' si un fait Done en le taile, ou Lease p̄ vie, il covient de done Liverie & Seisin, ou autrement riens passerá per le Grant.

Feoffor & Feoffee.

F*Eoffor* est celuy que enfeoffe ou fait Feoffment al aut' de Trēs ou Tenemts en Fee-simple: Et *Feoffee* est celuy q; est enfeoffe, ou a que le Feoffment est issint fait.

Ferdfare.

F*Erdfare*, hoc est, quietum esse de eundo in Exercitum, *Flet. l.* 1. *c.* 47.

Ferdwit.

FErdwit, hoc est, quietum esse de Murdro in Exercitu facto, *Flet. l.* 1. *c.* 47.

Eerrie.

ESt un liberty p̄ prescription ou grant del Roy d'aver boat pur passage sur un grand stream de Caryage de chivals & homes pur reasonable toll.

Feude.

FEude, ou *Mortal Feude*, est un parol *Germanois*, & signifie un Haine emplacable, q̄ ne poit estre satisfie forsque ove le mort del enemie: tiel est ceo ent' les hōes d̄ *Scotland* & en le Nord parts d' *Angleterre*, q̄ est un Cōbinatiō de tout le Consanguinity p̄ le vengeance del mort d' asc' d̄ lour sanke sur l' Homicide & tout son race. Et cest p̄sol est mention ē le Star'd 43 *El. c.* 13.

Fieri facias.

FIeri *facias* est un Brief judicial, & gist lou home recovera Det ou Dammages en Court le Roy; donques il avera cest Brief al Viscount, luy commandant que il levie le Det & les Dammages des biens celuy vers que le Recoverie est ewe, & gist solement deins l'an & jour, & apres l'an luy covient suer un *Scire facias*; & si le partie soit garnie, & ne vient al jour, *&c.* ou sil vient, & ne scavoit rien dire, donques celuy que recovera avera Brief de *Fieri facias* direct al Viscount, que il face Execution de Judgment.

Ferdwit.

FErdwit is, to be quit of Murther committed in the Army, Flet. l. 1. c. 47.

Ferry.

IS a liberty by prescription, or the Kings Grant, to have a Boat for passage upon a great Stream for Carriage of horses and men for reasonable toll.

Feude.

FEude, or Deadly Feude, is a German word, and signifies implacable Hatred, not to be satisfied but with the death of the enemy: such is that amongst the people in Scotland and in the Northern parts of England, which is a Combination of all the Kindred to revenge the death of any of the Blood upon the Slayer and all his race. And this word is mentioned in the Stat. of 43 Eliz. c. 13.

Fieri facias.

FIeri facias is a Writ judicial, and lies where a man recovers Debt or Damages in the Kings Court; then he shall have this Writ to the Sheriff, commanding him that he levy the Debt and Damages of the goods of him against whom the Recovery is had: and it lies only within a year and a day, and after the year he must sue a Scire facias; and if the party be warned and doth not come at the day, &c. or if he come, and say nothing then he who recovers shall have a Writ of Fieri facias directed to the Sheriff, that he make Execution of Judgment.

But if a man recover against a Woman, and she takes a Husband within the year and the day; then he that recovers must have a Scire facias against the Husband.

So it is if an Abbot or Prior recover and die, his Successor, within the year shall have a Scire facias. See thereof more in the Title Scire facias, and Title Execution.

There is also another manner of Fieri facias against a Rector, where upon a general Fieri facias the Sheriff returns, quod nulla habet bona seu catalla, and thereupon a Writ is directed to the Bishop of the Diocess where he is Rector, and thereupon the Bishop levies the Debt of the Profits of the Gleab and Tithes of the Rectory.

Mes si home recovera vers un feme, & el prist baron deins l'an & jour; donques il covient que cestuy que recovera avera *Scire facias* vers le baron.

Auxy est si Abbot ou Prior recover & devie, son Successor deins l'an avera *Scire facias*. Vide de ceo pluis en le Title *Scire facias*, & Title *Execution*.

Auxy est un auter manner de *Fieri facias* versus Rector, lou sur un general *Fieri facias* le Viscount retorne sur ceo, *quod nulla habet bona seu catalla*, & sur ceo Brief est direct al Evesque del Diocess ou il est Rector. Et sur ceo le Evesque levy le Debt des profits del gleab & dismes del Rectory.

Fifteenth.

FIfteenth. See Quinzisme.

Fifteenth.

F*Ifteenth*. Veies *Quinzisme*.

Filazer.

FIlazer (of the French word Filace, id est, a Thread) is the name of an Officer in the Common Pleas, of which there are 14. They make out all the Original Process there, and the Distress infinite upon Summons returned in personal Actions, and the Capias upon the return of Nihil, and all Writs of View, in cases where the View is prayed. And where the Appearance is with them, they enter the Imparlance, and the general Issue in common Actions, and Judgments by Confession before Issue joyned, and make out Writs of Execution upon them. And they make Writs of Supersedeas after a Capias awarded, when the Defen-

Filazer.

F*Ilazer* del (parol *Francois Filace*, id est, Filum) est le nosme d'un Officer en le Common Plees, des queux sont icy 14. Ils fonts touts les Original Proces la, & le Distresse infinite sur Summons retourne en Actions psonals, & le *Capias* sur le retourne del *Nihil*, & touts Briefs de View en cases lou le View est prie. Et lou le appearance est ove eux, ils enter l' Imparlance, & le general Issue en common Actions, & Judgments per Confession devant Issue joyne, & font Briefs d' Execution sur eux. Et ils font Briefs de *Supersedeas* apres *Capias* agard, quant le Defendant appeare

en lour Office. Et ceſt Officer eſt mention en les Statutes de 10 *H. 6. c.* 4. & 18 *H. 6. c.* 9.

dant appears in their Office. And this Officer is mentioned in the Statutes of 10 H. 6. c. 4. & 18 H. 6. c. 9.

File.

FIle (*Filacium*) eſt Filum vel Chorda qua Brevia & alia Curiis *Exhibita* trajiciuntur, pro meliori conſervatione eorundem.

File.

FIle (Filacium) is a Thread or ire upon which Writs and other Exhibits in Courts are put, for the ſafer keeping of them together.

Finders.

FInders eſt un pol mention ẽ mults Statutes, come en 14 *R.* 2 *c.* 10. 17 *R.* 2. *c.* 5. 1 *H.* 4. *c.* 13. & 31 *H. 6. c.* 5. & ſemble deſtr̃ tõut un ove ceux Officers queux ore nous appellomus *Scrutatores*, imp'oyes p̃ le trover des biens imports ou exports ſans payer del Cuſtõ.

Finders.

FInders is a word uſed in many Statutes, as in 14 R. 2. c. 10. 17 R. 2. c. 5. 1 H. 4. c. 13. and 31 H. 6. c. 5. and ſeems to be all one with thoſe Officers which we now call Searchers, imployed for the diſcovery of Goods which are imported or exported without paying cuſtom.

Fine.

FIne aſc' foits eſt priſe pur un Sum̃me d'argent quel aſc' eſt de payer al Roy p̃ aſcun contempt ou offence; quel Fine cheſc' q; comit aſc' Treſpaſs, ou que eſt cõvict que il fauxmẽt denie ſon fait, ou feſoit aſcun choſe en contempt de Ley, payera al Roy: que l' eſt appel *Fine al Roy.*

Aſcun foits *Fine* eſt priſe pur un final Concord quel eſt ewe enter aſcuns perſons touchant aſc' Tr̃e ou R̃er, ou auter choſe, dont aſc' Suit ou Brief eſt enter eux pendant en aſc' Court; quel poit eſte en divers manners. L'un eſt, quant l'un partie reconuſt ceo eſtr̃ le droit del aut', cõe ceo que il eit del Done ceſtuy que feſoit le Reconuſans, quel touts foits ſuppoſe un Feoffment precedent, & eſt dit *Fine execute:* Ou ſi il reconuſt ceo deſtre le droit del auter, ommittant les parols

Fine.

FIne ſometimes is taken for a Sum of money which one is to pay to the King for any Contempt or Offence; which Fine every one that commits any Treſpaſs, or is convict that he falſly denies his own Deed, or did any thing in contempt of Law, ſhall pay to the King: which is called a Fine to the King.

Sometime a Fine is taken for a Final Agreement which is had between any perſons concerning any Land or Rent, or other thing, whereof any Suit or Writ is between them hanging in any Court; which may be divers ways: One is, when any party acknowledges that to be the right of the other, as that he hath of the Gift of him that made the Recognizance, which always ſuppoſes a Feoffment going before, and is called a Fine executed: Or if he acknowledged that to be the right of another, omitting theſe words

(cõe

(cõe ceo que il eit de ſon Done) this being a Fine upon acknowledging of right only, if it be levied to him which hath the Free-hold of the Land, is a Fine upon a Releaſe.

If he that acknowledged it is ſeiſed, and he to whom it is levied hath not the Free-hold of the Land, then it is called a Fine executory, which he to whom the Land is acknowledged may execute by Entry, or Scire facias.

Sometime ſuch a Fine Sur conuſance de droit only is to make a Surrender: wherein is rehearſed, that the Reconuſor hath an Eſtate for life, and the other a Reverſion.

Sometime it is taken to paſs a Reverſion, where a particular Eſtate is recited to be in another, and that the Reconuſor will that the other ſhall have the Reverſion, or that the Land ſhall remain to another after the particular Eſtate ſpent.

And ſometime he to whom the right is acknowledged, as that which he hath of the Gift of the Reconuſor, ſhall yield the Land, or a Rent out thereof to the Conuſor. And that ſometime for the whole Fee; ſometime for one particular Eſtate, with Remainder or Remainders over; and ſometime with Reverſion of Rents with Diſtreſs and Grant thereof over by the ſaid Fine.

He to whom the Gift is made is termed the Plaintiff or Conizee, and he from whom it paſſes, the Deforceant or Conizor.

It is called a Fine, becauſe thereby the Suit is ended; and if it be recorded with Proclamation, according to the Statute 4 H. 7. it bars Strangers.

(*come ceo que il eit de ſon Done*) c' eſteant Fine ſur conuſans de droit tant', ſi ſoit levie a ceſtuy que eit le Frank-tenement del Terre, eſt *Fine ſur Releaſe.*

Si ceſtuy que ceo conuſt eſt ſeiſi, & celuy a que eſt levie n'eit le Frank-tenement del Tre donques eſt dit *Fine executorie*, quel ceſtuy a q; le Tre eſt conus poit executer per *Entrie*, ou *Scire facias.*

Aſcun foits tiel Fine *Sur conuſuance de droit* tantum eſt p̄ faire un ſurrender: lou en ceo eſt repeat, q' le Reconuſor eit Eſtate p̄ vie, & l'aut' en Reverſion.

Aſcun foits ceo eſt ewe de paſſer un Reverſion, lou particular Eſtate eſt recite deſtr̄ en auter, & que le Reconuſor voit que l'auter avera le Reverſion, ou que le Terre remaine al auter apres le particular Eſtate finie.

Et p̄ aſcun foits celuy a q; le droit eſt conus, come ceo q̄ il ad del Done le Reconuſor, rendra le Tre ou un Rent hors de ceo al Conuſor. Et ceo aſc' foits pur l'entire Fee; aſcun foits pur un particular Eſtate, ove Remainder ou Remainders ouſt r; & aſc' foits ove Reſervation d Rents ove Diſtreſſe & Graunt d ceo ouſter per meſme Fine.

Ceo a que de done eſt fait eſt appel le Plaintiff ou Conizee, & ceo de quel il paſſera, le Deforceant ou Conizor.

Et appel *Fine*, quia p̄ ceo le Suit eſt *determine*; & ſi ceo ſoit record ove Proclamation, ſolonque le Statute 4 *H.* 7. ceo barre Eſtrangers.

Fines pur Alienation.

Fines pur Alienation ſont reaſonable Fines, pay as Roy per ſes Tenants en chief, pur Licenſe de aliener lour Terres accordant al Stat. 1. *E.* 3. *cap.* 12. Veies *le Stat.* 12. *Car.* 2. *cap.* 24.

Fines for Alienation.

FInes for Alienation are reaſonable Fines, paid to the King by his Tenants in chief, for Licenſe to alien their Lands according to the Stat. 1 E. 3. cap. 12. See the Stat. 12 Car. 2. cap. 24.

Fine force.

Fine force, ſignifie un abſolute Neceſſitie; ſicõe lou hõe eſt conſtreine d̄ faire aſc' choſe le q̄l il ne poit p aſc' voy avoid. nous diſõ' q̄ il fiſt c' d̄ *Fine force.* Et iſſint caſt pol eſt uſe ẽ *Perk. ſect.* 321. ẽ *Woodland* & *Mantels Caſe*, ẽ *Plow. f.* 94. *b.* & ẽ *Eatons Caſe* cite en *Foxlys Caſe* ẽ le 6. *Re. f.* 111. *a.*

Fine force.

FIne force, ſignifies an abſolute Neceſſity; as when a man is compelled to do that which he can no way avoid, we ſay he doth it de Fine force. So this word is uſed in Perk. ſect. 321. in Mantel and Woodland's Caſe, in Plowden, f. 94. b. and in Eaton's Caſe cited in Foxly's Caſe in the 6 Rep. f. 111. a.

Finors.

Finors ſont ceux q; *purifiont* Or & Argent, & eux ſever per feu & eau del Metals plus baſe & vile; & pur ceo en le Statute de 4 *H.* 7. *c.* 2. ſont auxy appels *Parters.*

Finors.

FInors are thoſe that purifie Gold and Silver, and part them by fire and water from courſer Metals; and therefore in the Statute of 4 H. 7. c. 2. they are alſo called Parters.

Fire-bote.

Fire-bote eſt neceſſary Boys p̄ aider, quel, p le Common Ley. Leſſee pur ans ou pur vie poit prender en ſon Terre, nient obſtant il ne ſoit expreſſe en ſon Leaſe; & nient obſtant il ſoit un Leaſe p Parol tantum ſans Fait: Mes ſil priſt pluis que beſoigne, il ſera punie en Waſte.

Fire-bote.

FIre bote is neceſſary Wood to burn, which, by the Common Law. Leſſee for years or for life may take in his Ground, although it be not expreſſed in his Leaſe; and although it be a Leaſe by Word only, without Writing: But if he take more than is needful, he ſhall be puniſhed in Waſte.

Firſt-fruits.

Firſt-fruits (*Primitiæ*) ſont les Revenues de cheſcun Spiritual Benefice pur un an, queux ẽ auncient temps fueront dones al Pape, mes p le Statute de 26 *H.* 8. *c.* 3. ſont ore transferres al Roy.

Firſt-fruits.

FIrſt fruits (Primitiæ) are the Profits of every Spiritual Living for a year, which were anciently given to the Pope; but by the Statute of 26 H. 8. c. 3. are now transferred to the King.

Fiſh-

Fiſhgarth.

FIſhgarth is a Dam or Wear in a River, made for the taking of Fiſh, eſpecially in the Rivers of Owſe and Trent. 23 H. 8. cap. 18.

Fledwite.

FLedwite is, to be quit from Amerciaments, when an outlawed Fugitive comes to the King's Peace of his own will, or being licenſed.

Flemeſwite.

FLemeſwite is, that you may have the Cattel or Amerciaments of your Fugitive man.

Fletwit.

FLetwit, or Flitwit, is, to be quit from Contention and Convicts, and that you may have a Plea thereof in your Court, and the Amerciaments; for Flit in Engliſh is Treaſon in French.

Floatſam.

FLoatſam, or Flotſon, is, when a Ship is ſunk, or otherwiſe periſhed, and the Goods float upon the Sea, and they are given to the Lord Admiral by his Letters Patents. See Cok. lib. 5. fol. 106.

Fold, Fould-courſe.

FOld, Fould-courſe, In Latine Falda, & Faldæ curſus, is Common for Sheep. See Shack. Co. Ent. 14, 15. Coke 8. Rep. 125. 1 Cro. Rep. Spooner and Day.

Folkmoot.

FOlkmoot ſignifies (according to Lambert in his Expoſition of Saxon words) two kinds of Courts; one now called the County Court, the other the Sheriffs Tourne. And

Fiſhgarth.

F*Iſhgarth* eſt un Dam ou Wear en un River fait pur le finder de Piſſons eſpecialment en les Rivers de *Ouſe* & *Humber*. 23 H. 8. *cap.* 18.

Fledwite.

F*Ledwite* eſt, quietum eſſe de Amerciamentis, cum quis utlagatus Fugitivus veniat ad Pacem Domini Regis ſponte vel licenciatus.

Flemeſwite.

F*Lemeſwite* eſt, quod habeatis Catalla ſive Amerciam̃ hominis veſtri Fugitivi.

Fletwit.

F*Letwit*, ou *Flitwit*, eſt, quietum eſſe de Contentione & Cōvictis, & quod habeatis Placitum inde in Curia veſtra, & Amerciamenta; car *Flit Anglice* eſt *Treaſon Gallice*.

Floatſam.

F*Loatſam*, ou *Flotſon* eſt, quant un Nieſe eſt ſubmerge ou auterment periſh, & les biens float ſur la Mere, & ils ſont dones al Seigniour Admiral p ſes Letters Patents. Veies *Coke lib.* 5. *fol.* 106.

Fold, Fould-courſe.

F*Old, Fould-courſe*, en *Latine Falda, & Faldæ* curſus, eſt cōmon p̄ barbits, vid. *Shack. & Co. Ent.* 14, 15. *Co.* 8. *Rep.* 125. 1 *Cro. Rep. Spooner & Day.*

Folkmoot.

F*Olkmoot* ſignifie (ſelon *Lambert* en ſon Expoſition del *Saxon* parols) deux kinds del Courts; l'un ore appel le *County Court*, l'auter le *Sheriff's Tourne*.

Et en *Londres* il ſignifie a ceſt jour *celebrem ex omni Civitate Conventum. Stow's Survey.*

And in London it ſignifies at this day celebrem ex omni Civitate Conventum. Stow's Survey.

Footgeld.

FOotgeld eſt un Amerciam̃t p̃ nient prendant hors les Bals des pees d' graund Chiens ẽ l' Forreſt, p̃ que veies *Expeditate:* Et deſtr̃ quit de aver Chiẽs irregular deins l' Forreſt ſans paine ou controlle. *Crompt. Juriſd. fol.* 197. *Manwood, part* 1. *pag.* 86.

Footgeld.

FOotgeld is an Amerciament for not cutting out the Balls of great Dogs feet in the Forreſt, for which ſee Expeditate: And to be quit of Footgeld is a privilege to keep Dogs within the Forreſt unlawed without puniſhment or controll. Cromp. Juriſd. fol. 197. Manwood, part. 1. pag. 86.

Forcible Entry.

FOrcibe *Entry* eſt un violent actual Entrie en Meaſon ou Terre; ou prend' Diſtres ove armes, ſoit q̃ il offer Violence ou nemy. *Weſt, par.* 2. *Symb. tit. Inditement, Sect.* 65.

Forcible Entry.

FOrcible Entry is a violent actual Entry into Houſe or Land; or taking a Diſtreſs weaponed, whether he offer Violence or no. Weſt, part 2. Symb. tit. Inditements, Sect. 65.

Forcible detainer.

FOrcible *detainer*, ou tener de poſſeſſion eſt un violent act de reſiſtance per fort main ove Arms & teignant poſſeſſion iſſint que les Juſtices ou autres ſont hinder ou barr de faire un legal Entre. *Cromp. Juſt. del P. fol.* 58. *uſq;* 63.

Forcible detainer.

FOrcible detainer, or keeping poſſeſſion, is a violent Act of reſiſting by ſtrong hand with Arms, and keeping Poſſeſſion ſo, that the Juſtices or others are hindred or barred to make a lawful Entry. Cromp. Juſt. del P. fol. 58. to 63.

Foreign.

FOreign, Fr. *Foreign*, Lat. *Forinſecus.* Ceſt parol avoit divers ſignifications; Come foreign matter, ceo eſt matter triable ou fait en auter County. Foreign Plea, lou un refuſe le Judge come incompetent, pur ceo que le matter devant luy ne eſt deins ſon Precinct. Foreign Anſwer, i. e. tiel Reſponſe que ne eſt triable en le County lou eſt fait. Foreign Service, i. e. tiel Service per que un meſne Seigneur tient ouſter de un auter dehors ſon Fee.

Foreign.

FOreign, Fr. Foreign, Lat. Forinſecus. This word hath divers ſignifications; As foreign matter, that is matter triable or done in another County. Foreign plea, where one refuſes the Judge as incompetent, becauſe the matter before him is not within his Precinct. Foreign Anſwer, i. e. ſuch Anſwer as is not triable in the County where it is made. Foreign Service, i. e. ſuch ſervice by which a Meaſne Lord holds over of another not within his Fee.

Foreign

Foreign Apposer.

IS an Officer in the Exchequer whose business it is to examine the Sheriffs Estreats, with the Record, and to ask the Sheriff what he can say to every particular sum therein.

Foreſt, *or* Forreſt.

FOreſt is a place priviledged by Royal Authority, or by Prescription, for the peaceable abiding and nourishment of the Beasts or Birds of the Forest, for disport of the King: For which there have been in ancient time certain peculiar Officers, Laws and Orders, part of which appear in the great Charter of the Forest.

Foreſter.

FOrester is an Officer of the Forest, sworn to preserve the Vert and Venison of the Forest, to attend upon the wild Beasts within his Bailywick, to watch and keep them safe by day and by night, to apprehend all Offenders there in Vert or Venison, and to present them at the Courts of the Forest, to the end they may be punished according to their Offences.

Forfeitures of Marriage.

FOrfeiture of Marriage was a writ that lay for the Lord by Knights Service against his Ward, who refused a convenient Marriage offered him by his Lord, and married another within age without the assent of his Lord. And see for this Fitz. N. B. fol. 141. g. &c.

Forecloſed.

FOrecloſed is he who is barred and utterly excluded for ever. Co. 2. Inſt. 298.

Foreign Apposer.

ESt un Officer en le Exchequer que est de examiner les Estreats des Viscounts ove le Record, & de demander del Viscount que il avoit adire al ascun particular sum deins ceo.

Foreſt, ou *Forreſt.*

F*Oreſt* est un priviledge p authoritie Royal, ou per Prescription, pur le peaceable abode & nourishment del Beasts, ou Oiseaux del Forrest, pur le disport del Roy: Pur q̃x ont este en antient temps certaine peculiar Officers, Leyes & Orders, part de q̃x appearont en le grand Charter de le Forrest.

Foreſter.

F*Oreſter* est un Officer del Forest, que est jure pur pserve le Vert & Venison del Forest, pur attender sur les Feres deins son Bayliwick d eux veiller & safement garder per jour & per nuict pur attacher touts Offendors la ou en Vert ou en Venison, & eux de presenter as Courts del Forest, al intent q; poient estre la punies solonque lour Delicts.

Forfeiture del Marriage.

F*Orfeiture del Marriage* fuit un Brief que gisoit p̃ le Seignior en Chivalry vers son Gard, q; refuse un convenable Marriage tender a luy per son Seignior, & deins age marrie un auter sans l' assent son Seignior. Et veies pur ceo *Fitzh. N. B. fol.* 141. *g. &c.*

Forecloſed.

F*Orecloſed* est celuy que est barre & ousterment excluse pur touts temps. *Co.* 2. *Inſt.* 298.

Forger

Forger des fauxs Faits.

FOrger *des faux Faits* venuſt de pol Francois *Forger*, que ſignifie Fabricare, framer & faſhioner, come un Forgeron ſon overage ſur le Enclume. Et eſt uſe in noſtre Ley, pur l' fraudulent feaſance & publiſher de faux Faits al prejudice del droit dun auter. *Fitz.* en ſon *N. B. fol.* 96. *B. C.* dit que Brief d' Diſceit giſt vers celuy que iſſint *forge* aſcun fait.

Forgar of falſe Deeds.

FOrger of falſe Deeds comes of the French word Forger, which ſignifies to Frame or faſhion a thing, as the Smith doth his work upon his Anvil. And it is uſed in our Law for the Fraudulent making and publiſhing of falſe Writings to the prejudice of another Man's right. Fitz. in his F.N.B. fol. 96. B. C. ſays, that a Writ of Deceit lies againſt him that thus forges any Deed.

Forjudger.

FOr*judger* eſt un Judgment done en un Brief de *Meſne*, port per un Tenant envers le Meſne Seignior, q; doit acquiter le Tenant des Services demandes per le Seignior paramount, de que le Tenemt eſt tenus, & le Meſne ne voile appear; donques Judgment ſerra done, que l' Meſne ſñr perdra ſon Seigniorie, & que le Tenant dillonques tiendra del Signior paramount per tiels Services come le Meſne tenoit devant, & ſerroit diſcharge del Services q̃ux il rendoit al Meſne, per le Statute de *Weſt.* 2. *cap* 9. q̃ eſt appel un *Forjudger.*

Et auxy ſi un Attorney ou auter Officer in aſcun Court ſoite ouſte & prohibite de uſer ceo, il eſt dit deſtre *forjudge* le Court.

Forjudger.

FOrjudger is a Judgment given in a Writ of Meſne, brought by a Tenant againſt a Meſne Lord, who ſhould acquit the Tenant of Services demanded by the Lord above, of whom the Tenement is holden, and the Meſne will not appear; then Judgment ſhall be given, that the Meſne Lord ſhall loſe his Seignory, and that the Tenant from thenceforth ſhall hold of the Lord above by ſuch Suits as the Meſne held before, and ſhall be diſcharged of the Services which he yielded to the Meſne, by the Statute of Weſtm. 2. ca. 9. which is called a Forjudger.

Alſo if an Attorney or other Officer in any Court be put out and forbidden to uſe the ſame, he is ſaid to be forjudged the Court.

Formedon.

F*Ormedon* eſt un Brief, & giſt lou Tenant en le taile infeoffa un Eſtrang', ou eſt diſſeiſie, & devie; ſon Heire avera Brief de *Formedon* p̃ recover le Terre. Mes ſont trois

Formedon.

FOrmedon is a Writ that lies where Tenant in tail infeoffs a Stranger, or is diſſeiſed, and dies; his Heir ſhall have a Writ of Formedon to recover the Land. But there are three manner of Formedons

Formedons. One is in the Diſcender, and that is in the caſe before ſaid. And if one give Land in the tail, and for default of Iſſue the Remainder to another in the tail, and that for default of ſuch Iſſue the Land ſhall revert to the Donor; if the firſt Tenant in tail die without Iſſue, he in the Remainder ſhall have a Formedon in the Remainder: But if the Tenant in the tail die without Iſſue, and he in the Remainder alſo die without Iſſue, then the Donor or his Heirs ſhall have a Formedon in the Reverter.

Forrein.

FOrrein is a word adjectively uſed, and joyned with divers Subſtantives: as Forrein matter triable in another County, Pl. Cor. 154. or matte done in another County, Kitch. fol. 126.

Forrein Plea is a refuſal of the Judge as incompetent, becauſe the matter in hand was not within his Precincts, Kitch. fol. 75. & Anno 4 H. 8. cap. 2. & Anno 22 ejuſdem cap. 2. & 14.

Forrein Anſwer is ſuch an Anſwer as is not triable in the County where it is made, Anno 15 H. 6. cap. 5.

Forrein Service is ſuch Service whereby a Mean Lord holds over of another without the compaſs of his own Fee, Bro. tit. Tenures, fol. 251. num. 12. & 28. and Kitch. fol. 209. Or elſe that which a Tenant performs either to his own Lord, or to the Lord above him out of the Fee. For of ſuch Services Bracton. lib. 2. cap. 16. num. 7. ſpeaks thus:

Briefs de *Formedon*. Un eſt *en le Diſcender*, & ceo eſt in le caſe avantdit. Auxy ſi un done Terre en le taile, & pur default de iſſue le Remainder a un aut' en le taile, & que pur default de tiel iſſue le Terre revertera al Donor; ſi le primer Tenant en le taile devie ſans iſſue, ceſty en le Remainder avera un Brief de *Formedon en le Remainder*. Mes ſi le Tenant en le taile devie ſans iſſue, & ceſtuy en le Remainder auxy devie ſans iſſue, donques l'Donor ou ſes heires avera un *Formedon en le Reverter*.

Forrein.

FOrrein eſt un parol adjective uſe, & joyne ove divers Subſtantives: come *Forrein matter* triable en aut' Countie, *Pl. Cor.* 154. ou matt' fait en auter Countie, *Kitch. fol.* 126.

Forrein Plee eſt un refuſal del Judge come incompetent, pur ceo que le matter dependant ne fuit deins ſes Limits, *Kitch. fol.* 75. *& Anno* 4 *H.* 8. *cap.* 2. *& An.* 22 *ejuſdem c.* 2. *&* 14.

Forrein Reſpons eſt tiel Reſpons que neſt triable en le Countie ou il eſt fait, *Anno* 15 *H.* 6. *cap.* 5.

Forrein Service eſt tiel Service p q̄ un Meſne Sr̄ tient ouſter dun aut' dehors le circuit & ſon fee demeſn̄, *Bro. tit. Tenures, fol.*251. *num* 12. *&* 28. *&* *Kitch. fol.* 209. Ou autermt ceo que un Tenant performe ou a ſon Sr̄ demeſne, ou al Sr̄ Paramount hors del fee. Car de tiels Services *Bract. lib.* 2. *cap.* 16. *num.* 7. iſſint parle:

Item

Item ſunt quædam Serv. quæ dicuntur Forinſeca, *quamvis ſunt in Charta de Feoffamento expreſſa & nominata, & quæ ideo dici poſſunt* Forinſeca, *quia pertinent ad Dom. Regem, & non ad Dominum Capitalem, niſi cum in propria perſona profect' fuerit in Servitio, vel niſi eum pro Serv. ſuo ſatisfecerit Domino Regi quocunque modo; & fiunt in certis temporibus, cum caſus & neceſſitas evenerit, & varia nomina habent & diverſa: Quandoq; enim nominantur* Forineſca, *large ſumpto vocabulo, quoad Servitium Domini Regis, quandoque Scutagium, quandoque Servitium Domini Regis; & ideo* Forinſecum *dici poteſt, quia fit & capitur foris, ſive extra Servitium quod fit Domino Capitali,* Veies *Bro. Tenures* 28, 95.

Alſo there are certain Services which are called **Forein**, though they be named and expreſs'd in the Charter of Feoffment, and may therefore be called **Forein**, becauſe they appertain to our Lord the King, and not to the chief Lord, unleſs when he goes in Service in Perſon, or that he ſatisfies our Lord the King for the Service by ſome kind of means; and they are performed at certain times, when occaſion and neceſſity require, and they have divers and ſundry names: For ſometime they are called **Forein**, the word taken largely as to the King's Service, ſometime Service of the King; and it may therefore be called **Forein**, becauſe it is done and taken without, or beſide Service done to the Lord Paramount. **Vide** Broke, Tenures 28, 95.

Forraine Service ſemble deſtre Service de Chivaler, ou Eſcuage non certain, *Perkins, ſect.* 650.

Forrein Service ſeems to be **Knights Service**, or Eſcuage **uncertain**, Perkins, ſect. 650.

Forrein Attachment eſt un Attachment des biens de Forreiners deins aſcun Franchiſe ou Citie, p̄ le ſatisfaction de aſc' Citizen a que le dit Forreiner doit argent.

Forrein Attachment **is an Attachment of the Goods of Forreiners within any Liberty or City, for the ſatisfaction of any Citizen to whom the ſaid Forreigner owes Money.**

Forreine Appoſer eſt un Officer en le Exchequer, a que touts Viſcounts & Bailiffs viendront, p̄ luy deſtre *appoſe* de lour Greene wax: Et de ceo il treit un charge ſur le Viſcount ou Bailiff al Clerk del Pipe.

Forrein Appoſer **is an Officer in the Exchequer, to whom all Sheriffs and Bailiffs do repair, by him to be appoſed of their Green Wax: And from thence he draws down a charge upon the Sheriff or Bailiff to the Clerk of the Pipe.**

Forſechoke.

Forſechoke.

F*Orſechoke* ſemble de ſignifier ſi mult come *forſaken*, en noſtre modern̄ language: Il eſt eſpecialment uſe *Anno* 10 *Ed.* 1. *c unico*, p̄ Tres ou Tenements ſeiſie p̄ le Sñr, p̄ de-

FOrſechoke **ſeems to ſignifie as much as** Forſaken, **in our modern Language: It is eſpecially uſed** Anno 10 Edw. 1. cap. unico, **for Lands or Tenements ſeiſed by the Lord, for want**

of

of Services due from his Tenant, and so quietly held and possessed beyond the year and day.

Forestaller.

FOrestaller, is he that buys Corn, Cattel, or other Merchandize whatsoever, by the way as it comes to Markets, Fairs, or such like places to be sold, to the intent to sell the same again at a more high and dear price, in prejudice of the Common-wealth and People, &c.

The pain for such as are convict thereof is, for the first time, two Months Imprisonment, and loss of the value of the thing sold.

The second time, Imprisonment by the space of half a year, and loss of double value of the Goods, &c.

The third time, Imprisonment during the King's pleasure, and Judgment of the Pillory, and to forfeit all his Goods and Chattels. See the Statute 5 Ed. 6. cap. 14.

Forestall.

FOrestall is, to be quit of Amerciaments and Cattels arrested within your Land, and the Amerciaments thereof coming.

Founder.

FOunder is he that uses the Art of Melting or Dissolving Metals, and making any thing thereof by casting in Molds. He seems to have his name from the Latine word Fundere, and is mentioned in the Statute of 17 R. 2. cap. 1.

falt del Services due a son Tenant, & issint quiete ten & possesse passe le an & jour.

Forestaller.

F*Orestaller*, est celuy que achat' Blees, Avers, ou aut' Merchandize quecunque, p le chimin qñt il vient al Markers, Faires ou tiels semble lieux destre vende, al entent a vender ceo al un pluis hault & chare price, in prejudice de le Commonweale & gents, *&c.*

Le Penaltie p ceux queux sont convict de ceo est, le primer temps, Imprisonment p deux moys, & pd de le value del chose vende.

Le second temps, Imprisonment per le space de demy an, & perd de double value des biens, *&c.*

Le tierce temps, Imprisonment durant le pleasure le Roy, & judgemt del Pillory, & forfeit' d touts ses biens & chateux. Veies le Statute 5 *Ed.* 6. *cap.* 14.

Forestall.

F*Orestaller* est, quietum esse de Amerciamentis & Catal' arrestatis infra Terram vestram, & Amerciamta inde provenientia.

Founder.

F*Ounder* est celuy que use l'art dl Amolir ou dissolver Metals, & de fair alcun choses d' eux per jecter en Molds. Semble daver son nolme del *Latine* parol *Fundere*, & est mention en le Stat. de 17 *R.* 2, *cap.* 1.

Fourcher.

FOurcher eſt un deviſe uſe a delayer l' Plaintiff ou Demandant en un Suit envers deux, q̃ux a ceo ne ſont d̃ reſpond tanq; ils ambideux appeare, & l' Appearance ou Eſſoiñ d̃ un de eux voile excuſer le Defalt del aut' a cel jour; & eux agrea, que l'un de eux ſolement ſerra eſſoine ou appearera al un jour, & pur default del Appearance del aut', avoit jour ouſter de appearer, & l' aut' p̃tie avera meſme le jour; & a c' jour lauter voile appearer ou eſtre eſſoine, & ceſtuy q' devant appearoit ou fuit eſſoiñ ne voile donques appear̃, p̃ ceo q; il eſperoit daver aut' jour p̃ le Adjournm̃t del partie q' donques appiert ou eſt eſſoine. Ceo eſt appel *Fourcher*, & en aſcuns caſes le miſchiefe p̃ ceo eſt remedie p̃ le Statute de *Glouceſt. cap.* 10. & *Weſtm.* 1. *cap.* 42.

Fourcher.

FOurcher is a device uſed to delay the Plaintiff or Demandant in a Suit againſt two, who thereto are not to anſwer till they both appear, and the Appearance or Eſſoin of one will excuſe the others Default at that day; and they agree, that the one ſhall be eſſoined or appear one day, and for lack of the Appearance of the other, have day over to appear, and the other party ſhall have the ſame day; and at that day the other will appear or be eſſoined, and he that appeared or was eſſoined before will not then appear, becauſe he hoped to have another day by the Adjournment of the party who then appeared or was eſſoined. This is called Fourcher, and in ſome caſes the miſchief thereby is remedied by the Statute of Glouceſt. cap. 10. and Weſtm. 1. cap. 42.

Foutgeld ou Footgeld.

FOutgeld eſt un parol compound del deux *German* parols, Fous, pes, & Gyldan, ſolvere, & ſignifie un Americiament pur non abſcinder les Balls des p̃es de grand Chiens deins le Foreſt. Et de eſtre quit de *Footgeld* eſt de aver privilege de retainer tiels Chiens en le Foreſt ſans puniſhment. *Manwood, Foreſt Ley, cap.* 25. *num.* 3.

Foutgeld or Footgeld.

FOutgeld is a word compounded of two German words, Fous, pes, and Gyldan, ſolvere; and ſignifies an Amerciament for not cutting out the Balls of the Fore feet of great Dogs within the Foreſt. And to be quit of Footgeld, is to have a privilege to keep ſuch Dogs in the Foreſt without puniſhment. Manwood, Foreſt Law, cap. 25. num. 3.

Franchiſe.

FRanchiſe eſt un pol *Francois*, & ſignifie c̃ nr̃e Lay un im̃unitie ou exemption d̃l ordinarie Juriſdiction; cõe p̃ un Corporation de ten̄ Pleas deins

Franchiſe.

FRanchiſe is a French word, and ſignifies in our Law an Immunity or Exemption from ordinary Juriſdiction; as for a Corporation to hold Pleas within themſelves

themſelves to ſuch a value, and the like. See of this in the Old Nat. Brev. fol. 4. a, b.

Franchiſe Royal.

FRanchiſe Royal is, where the King grants to one and his heirs that they ſhall be quit of Toll, or ſuch like.

Free Almes.

FRee Almes is, where in ancient times Lands were given to an Abbot and his Covent, or to a Dean and his Chapter, and to their Succeſſors, in pure and perpetual Almes, without expreſſing any Service certain; this is Frank-almoigne; and ſuch are bound before God to make Orations and Prayers for the Donor and his Heirs, and therefore they do no Fealty; and if ſuch as have Lands in Frank-almoigne perform no Prayers nor Divine Service for the Souls of the Donors, they ſhall not be compelled by the Donors to do it, but the Donors may complain to the Ordinary, praying him that ſuch negligence be no more, and the Ordinary of right ought to redreſs it.

But if an Abbot, &c. holds Lands of his Lord for certain Divine Service to be done, as to ſing every Friday a Maſs, or do ſome other thing; if ſuch Divine Service be not done, the Lord may diſtrain, and in ſuch caſe the Abbot ought to do Fealty to the Lord: and therefore it is not ſaid Tenure in Frank-almoigne, but Tenure by Divine-Service; for none can hold by Frank-almoign, if any certain Service be expreſſed.

Franches Royal.

F*Ranches Royal* eſt, lou le Roy grant al un & a ſes heires que ils ſerr̃ quit de Tolñ, vel hujuſmodi.

Frank-almoigne.

F*Rank-almoigne* eſt, lou en antient temps Terres fueront dones a un Abbot & ſon Covent, ou a un Deane & a le Chapt', & a lour Succeſſors, en pure & ꝑpetual *Almoigne*, ſans expreſſer aſcun Service certaiñ; ceo eſt *Frank-almoigne*; & ils ſont tenus devant Dieu, de fair Oraiſons & Prayers pur la Donor & ces Heires, & pur ceo ils ne ferront Fealtie: & ſi tiels q; ont Terres en *Frank-almoigne* ne font aſcun Prayers ne Divine Service pur les Ames le Donors, ils ne ſerront ꝑ les Donors a ceo compelles, mes les Donors poyent complaine al Ordinarie, luy preyant que tiel negligence ne ſoit pluis avant, & l'Ordinarie d̃ droit c' doit faire.

Mes ſi un Abbe, *&c.* tiẽt Tr̃s de ſon Sñr pur certaiñ Divine Service deſtr̃ fait, cõe d̃ chãter chaſc' Venderdie un Maſſe, ou de faire auter choſe certaiñ; ſi tiel Divine Service ne ſoit fait, le Sñr poit diſtrein, & en tiel caſe l' Abbe doit faire a le Sñr Fealtie: & ꝑ ceo il neſt pas dit Tẽure en *Frank-almoigne*, mes Tenure per *Divine Service*; car nul poit tener en Frank-almoigne, ſi ſoit expreſſe aſcun certain Service.

Franke

Franke Bank.

F*Ranke Bank* ſont Copiho'd-terres que le feme, eſteant eſpouſe un Virgin, ad apres le mort ſa baron p̄ ſa Dower, *Kitch. fol.* 102. *Bract. lib.* 4. *tract.* 6. *cap.* 13. *num.* 2. ad ceux pols; *Conſuetudo eſt in partibus illis, quod uxores maritorum defunctorum habeant.* Francum Bancum *de Terris Sockmannorum, & teneant nomine Dotis. Fitz.* appel c' un Cuſtome, p̄ q̄ en aſcuns Cities le feme avera tours les Terres de ſa baron p̄ ſa Dower, *N. B. fol.* 150. Veies *Plow fol.* 411.

Franke Chaſe.

F*Ranke Chaſe* eſt un Franchiſe, p̄ q̄ touts homes ayant Tr̄e deins cel cōpaſſe sōt prohibit de ſuccider le Bois, ou diſcover, *&c.* ſans le view del Forreſter, niēt obſtant q̄ ſoit sō demeſn̄. *Cromp. Juriſ. f.* 187.

Frank Fee.

TEner in *Frank Fee* eſt, a teñ en Fee-ſimple Tr̄s pleadable a la Common Ley, & nient en Ancient Demeſne. *See Reg Orig. fol* 12, 14. *Fitz. Nat. Brev. fol.* 161.

Frankfold.

F*Rankfold* eſt lou le Seigneur avoit benefit de folder les Berbits de ſon Tenants deins ſon Manor pur le manuring de ſon Terre, *Keilw. Rep.* 198.

Frank Ley.

F*Rank Ley:* Veies *Cromp. Juſt. de Peace, f.* 151. ou vous poyes trove q̄ c' eſt per le contrarie: car celuy q̄ p̄ un offence, come Conſpiracie, perde

Frank Bank.

FRank Bank, or Free Bench, are **Copihold-Lands, which the Wife, being married a Virgin, hath after the deceaſe of her Husband for her Dower,** Kitch. f. 102. Brack. lib. 4. tract. 6. cap. 13. num. 2. **hath theſe words;** There is a cuſtom in thoſe parts, that the Wives, their Husbands being dead, ſhould have *Frank Bank* of Lands of Sockmans, and hold it in name of Dower. Fitzh. **calls this a Cuſtom by which in ſome Cities the Wife ſhall have all the Lands of her Husband for Dower,** N. B. fol. 150. **See** Plow. fol. 411.

Frank Chaſe.

FRank Chaſe **is a Liberty, by which all men having Land within this compaſs are prohibited to cut down the Wood, or diſcover,** &c. **without the view of the Forreſter, although it be his own.** Cromp. Jur. f. 187.

Frank Fee.

TO hold in Frank Fee, **is, to hold in Fee-ſimple Lands pleadable at the Common Law, and not in ancient Demeſne.** See Reg. Orig. fol. 12, 14. Fitz. Nat. Brev. fol. 161.

Frankfold.

FRankfold **is where the Lord hath benefit of folding his Tenants Sheep within his Manor for the manuring of his Land,** Keilw. Rep. 198.

Frank Law.

FRank Law: **See** Cromp. Juſt. of Peace, f. 151. **where you may find what this is by the contrary: for he that for an Offence, as Conſpiracy, loſes his** Frank Law,

is

is ſaid to fall into theſe Miſchiefs. Firſt, that he ſhall never be Impanelled upon any Jury or Aſſize, or otherwiſe uſed in ſaying any Truth: Alſo, if he have any thing to do in the King's Court, he ſhall not approach thither in Perſon, but muſt appoint his Attourney: 3. His Lands, Goods and Chattels are to be ſeized into the King's hands, and his Lands muſt be eſtrepped, his Trees rooted up, and his Body committed to priſon.

Free-bord.

FRee-bord in ſome places is a right of claiming a certain quantity of Land beyond or without the Fence, containing about two Foot and an half, Mon. Angl. 2 part, fol. 241.

Free Marriage.

FRee Marriage is, when a man ſeiſed of Land in Fee-ſimple gives it to another man and his wife, who is the daughter, ſiſter, or otherwiſe of kin to the Donor in Free Marriage, by virtue of which words they have an Eſtate in ſpecial tail, and ſhall hold the Land of the Donor quit of all manner of Services, until the fourth degree be paſt, accounting themſelves in the firſt degree; except Fealty, which they ſhall do, becauſe it is incident to all Tenures, ſaving Free alms. And ſuch Gift may be made as well after Marriage ſolemnized, as before. As a man may give Lands to his Son in Free Marriage, as well as to his Daughter, by the Opinion of Fitzh. in his Writ of Champertie, H.

But it appears otherwiſe in Littleton, and in Broke, tit. Frank-marriage, pla. 10. And ſo it was holden clear in Grays-Inn in Lent, An. 1576. 18 Eliz. by M. Rhodes, then Reader there.

ſon *Frank Ley*, eſt dit de cader en ceux males. 1. Que il ne unques ſerra impanel ſur aſc' Jurie ou Aſſiſe, ou autermt uſe en diſant aſc' voiertie: Auxy ſil ad aſc' choſe a faire en le Court le Roy, il ne ceo veña en perſon, mes covient a deſign ſon Atturnie: 3. Ses Terres, Biens & Chateux ſont deſtre ſeiſe en les maines le Roy, & ſes Terres ſerront eſtreape, ſes Arbres radicate, & ſon Corps commiſe al priſon.

Free bord.

FRee-bord en aſcun lieus eſt un droit de claimer un certain quantity de Terre ouſter le Fence, containant deux pieds & un demie, *Mon. Angl. 2 part, fol.* 241.

Franke Marriage.

FRanke Marriage eſt, q̃n un home ſeiſie de Terre en Fee-ſimple dõe ceo al aut' home & ſa feme, q̃ eſt file, ſoer, ou auterment de kin al Donor, in *Frank Marriage*, per vertue de queux parols ils ont un Eſtate en ſpecial tail, & tiendr le Terre del Donor quitte d touts mañers des Services, tanque le quart degree ſoit paſſe, accountant eux meſmes ẽ l' prim degree; ſi non Fealtie, queux ils ferront, pur ceo q̃ eſt incident a touts Tenures, forſque *Frank-almoigne*. Et tiel Done poit eſtre fait cybien apres Marriage ſolemnize, come devant. Et home poit doner Ters a ſon fits en *Franke Marriage*, cybien come a ſon File, per le opinion de *Fitz.* en ſon Bre de *Champerty*, H.

Mes il appiert auterment en *Littleton*, & en *Broke*, *tit. Franke Marriage*, *pla.* 10. Et iſſint il fuit tenus clere en *Greys Inne* en Lent, *An.* 1576. 18 *El.* per M. *Rhodes*, donques Lector la,

Frank-plege.

Frank-plege ſignifie un Plege ou Suretie pur Frank homes, ſolonque le ancient Cuſtom d' *Angleterre*, pur preſervation del publique Paix. Veies Stat. pur *View de Frank-plege*, *An.* 18 *Ed.* 2. & Veies *View de Frank-plege.*

Frank-Tenement.

Frank-Tenement eſt un Eſtate que home ad en Terres ou Tenements, ou Profit a prender en Fee-ſimple, tail, p̄ terme de ſon vie demeſne ou daut' vie, en Dower, ou p̄ le Curteſie d'*Angleterre*: & ſouth ceo il neſt *Frank-tenement*; car il que ad Eſtate p̄ ans, ou tient a vol', nad aſc' *Frank-tenement*, mes ils ſont appels *Chatels.*

Et de *Frank-tenements* il y ad deux ſorts, *viz.* Frank-tenement en fait, & Frank-tenement en Ley.

Frank-tenement en fait eſt, q̄nt un home ad entre deins Terres ou Tenements, & eſt ſeiſie de ceo realment & actualment. Sicome le pere ſeiſie de Terres ou Tenements en Fee-ſimple devie, & ſon fits enter en eux come heir a ſon pere, donques il ad un *Frank-tenement en fait* p̄ ſon Entrie.

Frank tenement en Ley eſt, q̄nt Terres ou Tenements ſont diſcendus al un home, & il poit enter en eux quant a luy pleiſt, mes nad unc' fait ſon Entrie en fait: Come en le caſe avantdit, ſi le pere, eſteant ſeiſie de Terrs en fee, devie ſeiſie, & ils diſcend a ſon fits, mes l' fits n'ad unc' enter en fait en eux; ore devant ſon Entrie il ad un *Frank-tenement en Ley.*

Frank-plege.

FRank-plege, ſignifies a Pledge or Surety for Free-men, according to the antient Cuſtom of England, for preſervation of the publick Peace. See the Statute for View of Frank plege, Anno 18 Ed. 2. and ſee View of Frank-plege.

Free-hold.

FRee-hold is an Eſtate that a man hath in Lands or Tenements, or Profit to be taken in Fee-ſimple, Tail, for term of his own or anothers life, in Dower, or by the Courteſie of England: and under that there is no Free-hold; for he that hath Eſtate for Years, or holds at will, hath no Free-hold, but they are called Chatels.

And of Free-holds there are two ſorts; viz. Free-hold in Deed, and Free-hold in Law.

Free-hold in Deed is, when a man hath entred into Lands or Tenements, and is ſeiſed thereof really and actually: As if the Father ſeiſed of Lands or Tenements in Fee-ſimple dies, and his ſon enters into the ſame as heir to his Father, then he hath a Free-hold in Deed by his Entry.

Free-hold in Law is, when Lands or Tenements are deſcended to a man, and he may enter into them when he will, but hath not yet made his Entry in Deed: As in the caſe aforeſaid, if the Father, being ſeiſed of Lands in Fee, die ſeiſed, and they deſcend to his Son, but the Son hath not entred into them in Deed, now before his Entry he hath a Free-hold in Law.

Free-

Free-chapel.

FRee-chapel by ſome is ſaid to be a Chapel founded within a Pariſh for the Service of God by ſome religious Perſon, over and above the Mother Church, to which it was free for every Pariſhioner to come, and is endowed by the Founder; But others (and that more likely) ſay, that thoſe are only Free-chapels which are of the Foundation of the King, exempt from the Ordinary's Juriſdiction: But the King may Licenſe a Subject to build ſuch a Chapel, and by his Charter to exempt it from the Ordinary's Juriſdiction. See Reg. Orig. 40, 41.

French-man.

FRench-man was wont to be uſed for every Outlandiſh-man, Bracton, Lib. 3. Tract. 2. cap. 15. See Engleſhery.

Frendleſs man.

FRendleſs man was the old Saxon word for him we call an Outlaw; nam forisfecit Amicos ſuos. Bracton, Lib. 3. Tract. 2. cap. 12.

Freſh Force.

FReſh Force (Friſca Forcia) is a force committed in any City or Borough, as by Diſſeiſin, Abatement, Intruſion, or Deforcement of any Lands or Tenements within the ſaid City or Borough. For the redreſſing of which wrong, he that hath right may by the Uſage of the ſaid City or Borough have his remedy without Writ, by an Aſſiſe or Bill of Freſh Force brought within forty days after the

Free-chapel.

FRee-chapel per aſcuns eſt dit de eſtre un Chapel foundue deins un Pariſh pur le Service de Dieu per le liberality de aſcun devout Perſon, ouſter le Pariſh Eſgliſe, a que cheſcun Pariſhioner poet reſorter, & eſt endowe per le Founder; Mes auters, (& ceo pluis probablement) dionts que ceux ſont ſolement Free-chapels que ſont del Foundation del Roy exempt del Juriſdiction del Ordinary; Mes le Roy poet licenſer un Subject de erecter tiel Chapel, & per ſon Charter exempter ceo del Juriſdiction del Ordinary. *Veies Reg. Orig.* 40, 41.

French-man.

FRench man fuit uſe pur cheſcun Alien. *Bracton, lib.* 3. *Tract.* 2. *cap.* 15. Veies *Engleſhery.*

Frendleſs man.

FRendleſs man fuit le veil *Saxon* prol p̄ luy que nous appel' un *Outlaw*; *nam forisfecit Amicos ſuos. Bracton, lib.* 3. *Tract.* 2. *cap.* 12.

Freſh Force.

FReſh Force (*Friſca Forcia*) eſt un Force comiſe deins aſc' Citie ou Borough, come per Diſſeiſin, Abatement, Intruſion, ou Deforcement des aſcuns Terres ou Tenements deins le dit Citie ou Borough. Pur redreſſer de q̄l tort, ceſtui q; droit ad poit p̄ l' Uſage del dit Citie ou Borough aver ſon remedie ſans Brief, per un Aſſiſe ou Bill de *Freſh Force* port deins 40 jours apres

le Force cõmiſe, ou Title a luy accrue. En quel Action il poit faire ſon proteſtation de ſuer en le nature d quel Brief que il voit. Et veies p̃ ceo matter *Fitzh. N. B. f.* 7. C. & *Vieux N. B. f.* 4. a.

Force committed, or Title to him accrued. In which Action he may make his proteſtation to ſue in the nature of what Writ he will. And ſee for this matter Fitzh. Nat. Bre. f. 7. C. and Old N. B. f. 4. a.

Freſh Suit.

Freſh Suit eſt, quant un home eſt robbe, & le partie iſſint robbe purſua le Felon immediatement, & luy priſt ove le manner, ou auterment, & donques port un Appeale envers luy, & luy convince del Felonie p̃ Verdict; le quel choſe eſteant enquire pur le Roy & trove, le partie robbe avera reſtitution de ſes biens arere.

Item il poit eſte dit que le partie fait *Freſh Suit*, nient obſtant que il ne priſt le Felon preſentment, mes que il ſoit demy an ou un an apres le Robberie fait devant q; il ſoit priſe; ſi ſoit iſſint q; le partie robbe fait tant q̃ en luy eſt per diligent enquirie & ſearch, d luy prender; & nient obſtant q; il eſt priſe p̃ un auter home, uncore c' ſerra dit *Freſh Suit*.

Freſh Suit eſt auxy, quant le Sñr vient pur diſtrein pur Rent ou Service, & l'Owner des Beaſts fait reſcous, & enchaſe eux en auters Terres que neſt tenus del Seignior, & le Seignior enſue preſentmnt, & repriſt eux. Et iſſint en auter ſemblables caſes.

Freſh Suit.

FReſh Suit is, when a man is robbed, and the party ſo robbed follows the Felon immediately, and takes him with the manner, or otherwiſe, and then brings an Appeal againſt him, and doth convict him of the Felony by Verdict; which thing being enquired of for the King, and found, the party robbed ſhall have reſtitution of his Goods again.

Alſo it may be ſaid, that the party made Freſh Suit, although he take not the Thief preſently, but that it be half a year or a year after the Robbery done before he be taken; if ſo be the party robbed do what lies in him, by diligent enquiry and ſearch, to take him; yea, although he be taken by ſome other body, yet this ſhall be ſaid Freſh Suit.

Freſh Suit is alſo, when the Lord comes to diſtrain for Rent or Service, and the Owner of the Beaſts makes reſcous, and drives them into anothers Ground not holden of the Lord, and the Lord follows preſently and takes them. And ſo in other like caſes.

Friperer.

FRiperer eſt un parol uſe en le Statute de 1 *Jac. c.* 21. pur un ſort des Brokers. Et ſemble deſtre un parol priſe del *Francois Fripier*, Interpolar; & p̃ ceo un *Friperer* eſt un que uſe de Polir vieux Veſtiments p̃ venrere.

Friperer.

FRiperer is a word uſed in the Statute of 1 Jac. c. 21. for a kind of Broker. And it ſeems to be a word taken from the French word Fripier, to trick up old things; and therefore a Friperer is one that uſes to dreſs old Clothes to ſell again.

Frumgyld.

Frumgyld.

FRumgyld is an old Saxon word, which ſignifies the firſt payment made to the Kindred of a ſlain Perſon, in recompence of his Murder, L. L. Edmundi, c. ult.

Fryth.

FRyth ſignifies a Plain between two Woods, and ſo is uſed in Dooms-day.

Fugitives Goods.

FUgitives Goods are the proper goods of him that flies upon felony, which, after the Flight lawfully found, do belong to the King. Coke, lib. 6. f. 109. b.

Frumgyld.

FRumgyld eſt un veil *Saxon* parol, q; ſignifie le prime Payment fait al kindred de un perſon occiſe, en recompence de ſon Murder. *L. L. Edmundi c. ult.*

Fryth.

FRyth ſignifie un Plain deins deux Boſcs, & iſſint eſt uſe en Dooms-day.

Fugitives Biens.

FUgitives Biens ſont les proper Biens de luy q; fue ſur Felonie, le quel, apres le Flight loyalm̃t trovẽ, apptein a Roy. *Coke, lib. 6. f. 109. b.*

G.

Gable.

GAble, Gablum, in ancient Records is an old word that ſignifies a Rent, Duty, Cuſtom, or Service yielded or done to the King, or any other Lord See the Comment upon Littl. fol. 142. a.

Gager de deliverance.

GAger de deliverance is, where one ſues a Replevin of goods taken, but he hath not the goods delivered, and the other avows, and the Plaintiff ſhews that the Defendant is yet poſſeſſed of the goods, &c. and prays, that the Defendant may gage the Deliverance; then he ſhall put in Suretys or Pledges for the Redelivrance, and a Writ ſhall go forth

G.

Gable.

G*Able, Gablum,* eſt en anciẽt Records un vieux pol q; ſignifie un Rent, Durie, Cuſtome, ou Service yield ou fait al Roy ou aſc' auter Sñr. Veies le Coment in *Littl. f. 142. a.*

Gager de deliverance.

G*Ager de deliverance* eſt, lou un ſua Replevin de biens priſe, mes il n'ad Deliverie des biens, & l' auter avowa, & le Plaintiff monſtra q' le Defendant eſt uncor poſſeſſe des biens, *&c.* & pria q' Defendant *gagera Deliverance*; donques il mittera eins Suretie ou Plege pur le Redeliverance, & un Briefs iſſera al

Viſcount pur redeliverer les biens, *&c.* Mes ſi home claime propertie, il ne *gagera Deliverance.*

Auxy ſil dit que l' Avers ſont morts en le Pound, il ne *gagera*, &c.

Auxy home ne *gagera* jammes *l' Deliverance* avant q̄ ils ſoient a Iſſue, ou Demurrer en Ley, ut dicitur.

Gainage.

G*Ainage* (*Wainagium*) ſemble de vener del parol *Francois Gaignage*, id eſt, Queſtus ſive Lucrum; mes en noſtre Ley il ſignifie le Profit plus properment que venuſt del Tillage del Tre. Et p̄ ceo en le Statute d' *Mag. Chart. c.* 14. eſt enact, que un Villain ſerra amerce ſalvo *Wainagio* ſuo; & en *Weſt.* 1. *c.* 6. ſave ſon *Gainage*; & *c.* 17. eſt enact, Que celuy q̄ deforce aſc' del deliverance des Avers per Replevin, rendra al Plaintiff le double des damages queux il ad receive de ſes Avers, ou de ſon *Gainage* diſturbe, *&c.* Et p̄ le Statute de diſtrictione Scaccaria fait en 51 *H.* 3. eſt Enact, Que nul home de Religion ou aut' ferroit diſtreine per les Avers que *gaine* ſon Terre.

Galli-halpens.

G*Alli-halpens* fueront certain Coin prohibit p̄ le Stat. *Anno* 3 *H.* 5. *c.* 1.

Gaole.

G*Aole*, ou *Gayle*, venuſt de parol *Francois Geole*, id eſt, *Cavea*, mes metaphorice eſt uſe pur un Priſon. Et de ceo le Gardian del Priſan eſt appel un *Gaoler* ou *Gayler.*

to the Sheriff to redeliver the goods, &c. But if a man claim property, he ſhall not gage Deliverance.

And if he ſay that the Beaſts are dead in the Pound, he ſhall not gage, &c.

Alſo a man ſhall never gage the Deliverance before they are at Iſſue, or Demurrer in the Law, as it is ſaid.

Gainage.

GAinage (Wainagium) ſeems to come from the French word Gaignage, id eſt, Gain or Profit; but in our Law it ſignifies the Profit moſt properly that comes by the Tillage of Land. And therefore in the Statute of Mag. Chart. c. 14. it is Enacted, that a Villain ſhall be amerced, ſaving his Gainage; and in Weſt. 1. c. 6. ſaving his Gainage; and in c. 17. it is Enacted, That he that deforces any of the deliverances of the Beaſts by Replevin, ſhall render unto the Plaintiff his double Damages which he hath ſuſtained in the Beaſts, or in his Gainage diſturbed, &c. And by the Statute of Diſtreſs of the Exchequer made in 51 H. 3. it is Enacted, That no man of Religion, or other, ſhall be diſtrained by the Beaſts that gain his Land.

Galli- halpens.

GAlli-halpens were a certain Coin prohibited by the Stat. An. 3 H. 5. c. 1.

Gaole.

GAole, or Gayle, comes of the French word Geole, which ſignifies a Cage for Birds, but metaphorically is uſed for a Priſon. And from thence the Keeper of the Priſon is called a Gaoler or Gayler.

Garbe

Garbe.

GArbe comes of the French Garbe vel Gerbe, which ſignifies a Bundle or Sheaf. This word is uſed in the old Stat. called Charta de Foreſta, cap. 7. where Herbas in the Latine is tranſlated Garbe in Engliſh.

Garble.

GArble, is to ſort and chuſe the good from the bad, as the Garbling of the Bow-ſtaves, An. 1 R. 3. c. 11. and the Garbling of Spice is nothing elſe but to purifie it from the Droſs with which it is mixed. See of that at large in the Stat. of 1 Jac. c. 19. & 21 Jac. c. 19.

Gard.

GArd, or Ward, is, when an Infant, whoſe Anceſtor held by Knights Service, is in the Ward or Keeping of the Lord of whom thoſe Lands were holden. And if the Tenant hold of divers Lords, divers Lands, the Lord of whom the Land is holden by Priority, that is, by the more elder Tenure, ſhall have the Wardſhip: But if one Tenure be as old as the other then he that firſt gets the Ward of the Body ſhall keep it: But every Lord ſhall have the Ward of the Land that is holden of him. And if the Tenant hold any Land of the King in chief, he by his Prerogative ſhall have the Ward of the Body, and of all the Land that is holden of him, and of every other Lord.

Alſo there are divers Writs of Ward. One is a Writ of Right of Ward, and that lies where the Tenant dies, his Heir within age, and a Stranger enters into the Land, and happens to have the Ward of the Body of the Infant,

Garbe.

G*Arbe* venuſt del *Francois Garbe* ou *Gerbe*, id eſt, Faſcis. Ceſt parol eſt uſe en le vieux Stat. appel *Charta de Foreſta c. 7.* lou *Herbas* en le *Latine* eſt, tranſlate *Garbe* en *Anglois*.

Garble.

G*Arble*, eſt de Sorter & ſelecter le bone choſe de le male; come le Garbling de Bowſtaves, *An.* 1 *R.* 3. *c.* 11. & le Garbling d' Spice eſt riens auter forſque d' Purifie ceo del Droſſe ove q̃ il eſt mixe. Veies de ceo a large en le Statute 1 *Jac. c.* 19. *&* 21 *Jac. c.* 19.

Garde.

G*Arde* eſt, quant un Enfant, quel Anceſtor tient per Service de Chivalry, eſt en le Gard & Cuſtodie de le Seignior de que ils tueront tenus. Et ſi le Tenant tient de divers Seigniors divers Trés, celuy Seignior de que il tient p prioritie, ceſtaſcavoir, per le pluis ancient Tenure, avera le Gard: Mes ſi un Tenure ſoit auxy antient q̃ l' auter, donques celuy q̃ primes gaiñ le Gard de le corps gardera ceo: Mes cheſcun Seignior avera le Gard del Tre que eſt tenus de luy. Et ſi le Tenant tient aſcun Tre del Roy en chief, le Roy per ſon Prerogative avera le Gard del Corps, & de tout le Tre que eſt tenus de luy, & de cheſcun auter Seignior.

Auxy ſont divers Briefs de Gard. Un eſt *Brief de Droit de Gard*, & giſt lou le Tenant devie, ſon Heire deins age, & un Eſtranger entra en le Terre, & happa d'aver le Gard le Corps de l' Enfant.

Brief d *Ejectment de Gard* giſt, lou home eſt ouſte de le Gard de Terre, ſans le Corps d l'Enfant.

Brief de *Raviſſoment de Gard* giſt, lou le Corps eſt priſe de luy ſolement, & nient le Terre.

Mes veies le Stat. 12 *Car.* 2. *cap.* 24. pur Aboliſhing le Court del *Wards*, &c.

A Writ of Ejectment of Ward lies, where a man is put out of the Ward of the Land, without the Body of the Infant.

A Writ of Raviſhment of Ward lies, where the Body is taken from him only, and not the Land.

But ſee the Stat. 12 Car. 2. c. 24. for Aboliſhing the Court of Wards, &c.

Gardeine.

G*Ardein* ou *Wardein* plus properment eſt celuy que ad le Gard ou Cuſtodie d'un Heire, & de ſon Tre tenus p Service de Chivalrie, ou d'un d'eux, a ſon uſe demeſne, durant le Nonage del Heire; & deins ceſt temps ad le beſtowing del Corps del Heire en Marriage al ſon vol', ſans diſparagement.

Et de Gardeins il y ad deux ſorts; noſmem̃t, Gardein en Droit, & Gardein en Fait.

Gardein en Droit eſt celuy q; p reaſon de ſon Seigniorie eſt ſeiſie del Gardſhip ou cuſtodie del Terre & del Heire, durant le Nonage del Heir.

Gardein en Fait eſt, lou le Seigniour apres ſon Seiſin, come avantdit, granta per Fait, ou ſans Fait, le Gardſhip del Terre, ou del Heire, ou de ambideux, a un auter, p force de quel Grant le Grantee eſt en poſſeſſion: Le Grantee eſt appel *Gardein en Fait.*

Et ceſt Gardein en Fait poit grãt le Heir al aut' auxy: mes ceſt auter neſt properment appel Gardein en Fait, mes *Grantee del Gardein en Droit ſolement.*

Mes le Gardein en Socage ad le profit ſolement ad uſe del Heire, jeſque il ad ac-

Gardian.

GArdian or Warden moſt properly is he that hath the Wardſhip or Keeping of an Heir, and of his Land holden by Knights Service, or of one of them, to his own uſe, during the Nonage of the Heir; and within that time hath the beſtowing of the Body of the Heir in Marriage at his pleaſure, without diſparagement.

And of Wardens there are two ſorts; namely Gardian in Right, and Gardian in Deed.

Gardian in Right is he that by reaſon of his Seignority is ſeiſed of the Wardſhip or keeping of the Land and Heir, during his Nonage.

Gardian in Deed is, where the Lord after his Seiſin, as aforeſaid, grants by Deed, or without Deed, the Wardſhip of the Land, or Heir, or both, to another, by force of which Grant the Grantee is in poſſeſſion: The Grantee is called Gardian in Deed.

And this Gardian in Deed may grant the Heir to another alſo: but that other is not properly called Gardian in Deed, but Grantee of the Gardian in Right only.

But the Gardian in Socage hath the profit only to the uſe of the Heir, until he accompliſh

the

Gardein of the Cinque Ports

GArden or Warden of the Cinque Ports is a principal Magistrate that hath Jurisdiction of those Havens in the East part of England, commonly called, The Cinque Ports, i. e. Hastings, Romney, Hyth, Dover and Sandwich, and he hath all that Jurisdiction which the Lord High Admiral of England hath in places not exempt.

Church-wardens.

CHurch-wardens are Officers chosen in every Parish, to have the care and custody of the Church Goods; and they may have an Action for the Goods of the Church, and divers other things they may do for the benefit of the Church: and by the Statute of 43 Eliz. cap 2. they are to joyn with the Overseers for the making of Rates and other Provisions for the Poor of the Parish.

Gardian of the Spiritualties.

GArdian of the Spiritualties, by the general Law is the Dean and Chapter of the Diocels, unless there be a Custom that the Arch-bishop of the Province should be the Gardein, sede vacante: His office is to hold Courts, probe Wills, grant Administrations, and supplie the Bishops room,

Gardeins des Cinque Ports.

G*Ardeins* ou *Warden des Cinque Ports* est un principal Officer que avoit Jurisdiction de ceux Havens en le Orient parte de *Engleterre*, communement appel, *Le Cinque Ports*, i. e. *Hastings*, *Romney*, *Hyth*, *Dover* and *Sandwich*, & il avoit tout cel Jurisdiction que le Seigneur Hault Admiral avoit en lieus nient exempt.

Gardeins del Esglise.

G*Ardeins del Esglise* sont Officers elects en chescun Paroisse, pur aver le care & custodie des biens del Esglise, & ils poient aver un Action p̄ les biens del Esglise, & divers auters choses ils poient faire p̄ l' benefit l' Esglise & pl Statute de 43 *El. cap.* 2. ils doient joinder oveſque les Sur veyors en le feasance des Rates & auters provisions pur les Povres del Paroisse.

Gardein des Spiritualties.

G*Ardein des Spiritualties* per la general Ley est le Deane & Chapter del Dioceſſe, si ne soit un custome q̄ l' Archiveſque del Province soit le Gardein sede vacante; Son Office est a tener Court, prover Testamēts, granter Administrations & a supplie le lieu del Eveſque.

Gar-

Garniſhment.

G*Arniſhment*: Sicome un Action d Detinue des Charters eſt port vers un, & le Defendant dit, que les Charters fueront deliver a luy per le Plaintife & per un auter ſur certaine Conditions, & prie que l' auter ſoit garnie de pleader ove le Plaintife, ſi les Conditions ſont perimple, ou nemy, & ſur ceo un Brief de *Scire facias* iſſera vers luy; ceo eſt appel *Garniſhment*: & l'auter quant il vient eins pledera ove le Plaintife; & c' eſt appel *Enterpleader*.

Garniſhment.

GArniſhment: If an Action of Detinue of Charters be brought againſt one, and the Defendant ſaith, that the Charters were delivered to him by the Plaintiff and by another upon certain Conditions, and prays, That the other may be warned to plead with the Plaintiff, if the Conditions be perfozmed oz no, and thereupon a writ of Scire facias ſhall go forth againſt him; this is called Garniſhment: and the other, when he comes, ſhall plead with the Plaintiff; and that is called Enterpleader.

Garranty.

G*Arranty* eſt q̃t un eſt lie al aut' que ad Terre, de *garrant* le m̃ a luy; le q'l poit eſtr̃ p deux meanes: ceſtaſcavoir̃ per *Act del Ley*; Come ſi un & ſes Anceſtors ont tenus Terre del auter & ſes Anceſtors per temps dont memorie ne court per Homage que eſt appelle *Homage Aunceſtrel*: Ou per l' *Act del partie*, que grant per fait ou Fine al Tenant del Terre de *garrant* ceo a luy; ſur quel ſi le Tenant ſoit impleade per luy que doit garrant ou ſes heires, le Tenant barra le demandant per pleader de *Garranty* vers luy, que eſt appel *Rebutter*, ou ſi ſoit emplede per auter en Action en que il poit vouch, il vouchera ceſtuy que garrant', ou ſes Heires, & ſi le Plaintiff recover, le Tenant recovera en value vers le Vouchee.

Garrantie eſt en trois manners; ceſtaſcavoir̃, *Garrantie Lineal*, *Garranty Collateral*, & *que commence per Diſſeiſin*.

Garranty.

GArranty is, when one is bound to another who hath land, to warrant the ſame to him, which may be two ways: that is, by Act of Law; As if one and his Anceſtozs hath held Land of another and his Anceſtozs, time out of mind, by Homage, which is called Homage Aunceſtrel: Oz by Deed of the party, who grants by Deed oz Fine to the Tenant of the Land to Warrant it to him; upon which, if the Tenant be impleaded by him who ought to warrant oz his Heirs, the Tenant ſhall bar the Demandant by pleading the Warranty againſt him, which is called Rebutter; oz if he be impleaded by another in an Action wherein he may vouch, he ſhall vouch him who warranted, oz his Heirs, and if the Plaintiff recover, the Tenant ſhall recover in value againſt the Vouchee.

Garranty is of three ſozts; that is, Garranty Lineal, Garranty Collateral, and Garranty that begins by Diſſeiſin.

Warranty Lineal, is, where a man ſeiſed in fee or in tail, makes a Feoffment to another, and binds him and his heirs to Warranty, and hath iſſue a Son, and dies, and the warranty deſcends to his ſon. For if no Deed with Warranty had been made, then the right of the Lands ſhould have deſcended to the ſon, as heir to his father, and he ſhall convey the Deſcent from the Father to the Son.

But if the Tenant in tail diſcontinues the tail, and hath iſſue, and dies, and the Uncle of the Iſſue releaſes to the Diſcontinuee with warranty, &c. and dies without Iſſue; this is a Collateral Warranty to the iſſue in tail, for that the Warranty deſcends upon the Iſſue, who may not convey himſelf to the tail by mean of his Uncle.

And in every Caſe where a man demands Lands in Fee-tail by Writ of Formedon, if any Anceſtor of the Iſſue in tail makes a Warranty, and he that ſues a Writ of Formedon, by poſſibility of matter that may be done, conveys to him Title by force of his Gift that made the Warranty, &c. that is then a Lineal Warranty, whereby the Iſſue in tail ſhall not be barred, except he have Aſſets to him deſcended in Fee-ſimple. But if he may not by any poſſibility convey to him Title by force of his Gift that made the warranty, then that is a Collateral Warranty, and thereby the Iſſue in tail ſhall be barred without any Aſſets. And the cauſe that ſuch a Collateral Warranty is a Bar to the Iſſue in the tail is, for that all Warranties, before the Statute of Glouceſter, which deſcended to thoſe who are Heirs to the war-

Garrantie Lineal eſt, lou home ſeiſie en fee, ou en tail fait Feoffment a un auter, & oblige luy & ſes heires a *Garrantie*, & ad iſſue fitz, & moruſt, & le Garrantie diſcend a ſon fitz. Car ſi nul Fait ove Garrantie uſt eſte fait, donques le droit des Terres diſcenderoit al fitz, come Heire a ſon pere, & il conveieroit le Diſcent de la pere a le fitz.

Mes ſi Tenant en le tail diſcontinua le tail, & ad iſſue, & devie, & le Uncle del iſſue releſſa al Diſcontinuee ove Garrantie, *&c.* & moruſt ſans iſſue; ceo eſt *Collateral Garrantie* al iſſue en le tail, p̄ ceo que le Garrantie diſcend ſur le iſſue, le quel ne poit ſoy conveyer a le tail p̄ le mean de ſon Uncle.

Et en cheſcun caſe lou hõe demanda Terres en Fee-tail p̄ Brief de *Formedon*, ſi aſc' Anceſtor del iſſue en le tail fait un *Garrantie*, & ceſtuy q' ſue le Brief de *Formedon*, per poſſibilitie d̄l matt' q' puiſſoit eſtre fait, convey a luy Title p̄ force del ſon done q' fiſt le Garrantie, *&c.* ceo eſt donq̄s un *Lineal Garrantie*, p̄ quel le iſſue en le tail ne ſerra barre, ſinon q; il ad Aſſets a luy deſcendus en Fee-ſimple. Mes ſi il ne poit p̄ aſc' poſſibilitie convey a luy Title p̄ force d̄l Doñ d̄ celuy que fiſt le Garrantie, dõques ceo eſt un *Collateral Garrantie*, & per la le iſſue ẽ le tail ſerra barre ſans aſcuns Aſſets. Et le cauſe que tiel *Collateral Garrantie* eſt un Barre al iſſue en le tail eſt, p̄ ceo que touts Garranties, devant le Statute d̄ *Glouceſter*, q'ux diſcendant a ceux queux ſont Heirs

a ceux

a ceux que feſoient les Garranties, tueront Bartes a meſm̃ les Heirs a demander aſc' Terres, forſprīſe les Garranties que cōmence per Diſſeiſin ; & pur ceo que le dit Statute ad ordaine, Que le Garrantie del Pere ne ſerra Barre a ſon Fits p̄ les Trs que veigne del heritage le Mere, ne le Garrantie de le Mere ne ſerra Barre al Fits pur les Terres que veigne del heritage del Pere ; & le Statute de 11 *Hen. cap* 20. & nul de les Statutes, ad ordaiñ aſcun remedie encounter aſc' auter *Collateral Garrantie* ; ideo tiel Garrantie eſt uncor̄ en ſa force, & ſerra Barre al iſſue en le taile, come il fuit devant le Statute.

Auxy il convient que touts Garranties, per que aſcun Heire ſerra Barre, diſcend per courſe del Common Ley a celuy que eſt Heire a Garrantor ; ou autrement il ne ſerra Barre : car ſi le Tenant en le tail des Terres en Borough Engliſh, lou le puiſne fits inheritera p̄ le Cuſtome, diſcontinua le taile, & ad iſſue deux fits, & le Uncle releſſa al Diſcontinuee ove Garrantie, & devie, & le puiſne fits port *Formedon* ; uncore il ne ſerra barre per tiel Garrantie, *cauſa qua ſupra*. Auxy ſi aſcun home fait un Fait ove *Garrantie*, p̄ quel ſon Heir ſerroite barre, & celuy que fiſt le Garrantie ſoit attaint de Felonie ; ſon Heire ne ſerra barte per tiel Garrantie, p̄ ceo q; tiel Garrantie, ne puit diſcender ſur luy, le ſanke eſteant corrupt.

Garrantie commenceant per Diſſeiſin eſt, q̄ le fits purchaſe Terres ; & leſſa les Terres a ſon pere pur ans, & le pere per ſon Fait d̄ c' enfeoffa un

rantors, were Barrs to the ſame Heirs to demand any Lands, except the warranties that began by Diſſeiſin ; and for that the ſaid Statute hath ordained, That the warranty of the Father ſhall be no Bar to his Son for the Lands which come by the Heritage of the Mother, nor the Warranty of the Mother ſhall be no Bar to the Son for the Lands which come by the Heritage of the Father, and neither the Stat. 11 H. 7. cap. 20. nor any other Statute, hath ordained any remedy againſt any other Collateral Warranty ; therefore ſuch Warranty is yet in force, and ſhall be a bar to the Iſſue in tail, as it was before the Statute.

And it behoves that every Warranty, whereby the Heir ſhall be barred, diſcend by courſe of the Common Law to him who is Heir to the Warrantor ; elſe it ſhall be no Bar : for if the Tenant in Tail of Lands in Borough Engliſh, where the youngeſt ſon ſhall Inherit by the Cuſtom, diſcontinues the tail, and hath Iſſue two ſons, and the Uncle releaſes to the Diſcontinuee with warranty, and dies, and the younger Son brings a Formedon ; yet he ſhall not be barred by ſuch Warranty, cauſa qua ſupra. And if any man make a Deed with Warranty, whereby his Heir ſhould be barred, and after the Warrantor be attaint of Felony ; his Heir ſhall not be barred by ſuch Warranty, for that ſuch Warranty cannot diſcend upon him, the blood being corrupt.

Warranty beginning by Diſſeiſin is, if the Son purchaſe Lands, and lett them to his Father for years, and the Father by the Deed infeoffs a

ſtranger,

ſtranger, and binds him and his Heirs to Warranty, and the Father dies, whereby the warranty deſcends to the ſon; yet this warranty ſhall not bar the ſon, but the ſon may well enter notwithſtanding, becauſe this Warranty began by Diſſeiſin, when the Father made the Feoffment, which was a Diſſeiſin to the ſon. And as it is ſaid of the Father, ſo it may be ſaid of every other Anceſtor. And the ſame Law is, if the Anceſtor be Tenant by Elegit, or by Statute-Merchant, and make a Feoffment with warranty, ſuch Warranties ſhall be no Bars, becauſe they begin by Diſſeiſin.

Garranty of Charters.

GArranty of Charters, is a Writ that lies where any Deed is made that comprehends a clauſe of Warranty, that is to ſay, Dedi or Conceſſi, or this word Warrantizabo; and if the Tenant be impleaded by a Stranger in Aſſiſe or ſuch Action where he may not vouch to warranty, then he ſhall have this Writ againſt his Feoffor or his Heir; and if the Land be recovered againſt him, he ſhall recover as much Land in value againſt him that made the Warranty. But this Writ ought to be ſued depending the firſt Writ againſt him, elſe he hath loſt his advantage.

Alſo upon a Warranty in the Law, as upon Homage auncеſtrel, or upon Rent reſerved upon a Leaſe for Life, or a Gift in the tail, a man ſhall have a Writ of Warrantia Chartæ, but not upon Eſcuage.

eſtrang' & oblige luy & ſes heires a Garrantie, & le pere devie, per quel le Garrantie diſcend al fits; uncore ceſt Garrantie ne barrera my le fits, mes le fits bien poit ent' nient obſtant, pur ceo que ceſt *Garrantie commenſaſt per Diſſeiſin*, quant le pere fiſt le Feoffm̃t, que ſuit un Diſſeiſin al fits. Et come eſt dit de Pere, Iſſint poit eſtre dit de cheſc' aut' Anceſtor. Et meſm̃ le Ley eſt, ſi l' Anceſtor ſoit Tenant per *Elegit*, ou per Statute-Merchant, & fait aſcun Feoffment ove Garrantie, tiels Garranties ne ſerront Barres, pur ceo que ils commenceont per Diſſeiſin.

Garrantie des Charters.

G*Arrantie des Charters* eſt un Brief quel giſt lou aſc' Fait eſt fait que comprehende clauſe de Garrantie, ceſtaſcavoir̃, *Dedi* ou *Conceſſi*, ou ceſt parol *Warrantizabo*: & ſi le Tenant ſoit implead per un Eſtrang' en Aſſiſe ou tiel Acc' lou il ne poit vouch a Garrantie, donques il avera ceſt Bꝛe vers ſon Feoffor ou ſon Heir; & ſi le Terre recover vers luy, il recovera tant del Terre en value vers ceſtuy que fiſt le Garrantie. Mes ceſt Brief coviēt eſtr̃ ſue pendant le primer Brief vers luy, auterment il ad perde ſon advantage.

Auxy ſur Garrantie en Ley, come ſur Homage auncеſtrel, ou ſur Rent reſerve ſur Leaſe de vie, ou Done en le tail, home avera Brief de Garrantie de Charters, mes nemy ſur Eſcuage.

Garrantie del jour.

G*Arrantie del jour.* Veies p̄ ceo *Warrantia diei.*

Garter.

G*Arter*, in *Francois* signifie en divers Statutes & au-res lieus un ſpecial Garter eſteant le Enſeign de un grand Order appel *Chivaliers del Garter*, *Camden*, *pag.* 211.

Garth.

G*Arth* eſt un petit Back-ſide ou Cloſe en aſcuns lieus de Angleterre. Auxi un Dam ou Wear en aſcun River pur le ameſner de Piſons.

Gavel.

G*Avel* ſignifie Tribute, Toll, Cuſtom, annual Rent ou Revenue, de queux fueront divers ſorts, Gavel Corn, Gavel Malt, Gavel Fodder, *&c.*

Gavelate.

G*Avelate* eſt un ſpecial & antient kind de *Ceſſavit*, uſe en *Kent*, lou le Cuſtom de *Gavelkind* continue, per quel le Tenant forfeitera ſes Terres & Tenements al Seigniour de que ils ſont tenus, ſil deteine de ſon Seignior ſes due Rents & Services, ſolonq; ceſt mann.

Si aſcun Tenant en *Gavelkind* Retain ſa Rent & ſes Services de le Tenement qui il tient de ſon Seigniour, querge le Seignieur pur agarde de ſa Court, de trois ſemaigñs en trois ſemaignes, de trover Diſtreſſe ſur cel

Garrantie del jour.

GArrantie del jour. See for that Warrantia diei.

Garter.

GArter in French Jartier, ſignifies in divers Statutes and elſewhere a ſpecial Garter, being the Enſeign of a Noble Order called Knights of the Garter, Camden, pag. 211.

Garth.

GArth is a little Back-ſide or Cloſe in ſome parts of England. Alſo a Dam or Wear in a River for the catching of Fiſh, vulgarly called a Fiſh-Garth.

Gavel.

GAvel ſignifies Tribute, Toll, Cuſtom, annual Rent or Revenue; of which there were ſeveral ſorts, as Gabel Corn, Gabel Malt, Gabel Fodder, &c.

Gavelet.

GAvelet is a ſpecial and ancient kind of Ceſſavit, uſed in Kent, where the Cuſtom of Gavelkind continues, whereby the Tenant ſhall forfeit his Lands or Tenements to the Lord of whom they are holden, if he withdraw from his Lord his due Rent and Serbices, after this manner:

If any Tenant in Gavelkind withhold his Rent and Serbices of the Tenement he holds of his Lord, let the Lord ſeek by the award of his Court, from three weeks to three weeks, to find ſome Diſtreſs upon the Tenement

until

until the fourth Court, always with Witnesses. And if within that time he can find no Distress on that Tenement, whereby he may have Justice of his Tenant, then at the fourth Court let it be awarded, that he takes that Tenement into his hand in name of a Distress, as if it were an Ox or Cow, and let him keep it a year and a day in his hand without manuring it: within which Term, if the Tenant come and pay his arrerages, and make reasonable amends for the with-holding, then let him have and enjoy his Tenement, as his Ancestors and he before held it: and if he do not come before the year and day past, then let the Lord go to the next County-Court with his Witnesses of his own Court, and pronounce there this Process to have farther Witnesses; and by the award of his Court (after the County-Court holden) he shall enter and manure in those Lands and Tenements as in his own.

And if the Tenant come afterward, and will re-have his Tenements, and hold them as he did before let him make Agreement with the Lord, according as it is anciently said,

Hath he not since any thing given, nor hath he not since any thing payed? then let him pay v. li. fol his Were, before he become Tenant or Holder again. See hereof 10 H. 3. Fitzh. Cessavit 60. and Stat. 10 Ed. 2. of Gavelet in London, in the Collection of Statutes, London 2. matter much tending to this purpose, that by this word Gavelet, the Lord shall have the Land for the ceasing of the Tenant. And see Westm. 2. ca. 21. which gives Cessavit.

Tenement jesque a le quart Court, a touts foits per Testmoignes. Et si deins cel temps ne trove Distresse en cel Tenement, per queux il puisse son Tenant justifier, donques a la quart Court soit agarde, que il preigne cel Tenemt en sa main̄ en nosm̄ de Distresse, auxy come suit Boefe ou Vache, & le tient un an & un jour en sa maine sans mainoverer: deins quel terme si le Tenant vient, & rend ses arrearages, & fait reasonable amends de la reteigner, adonque eyt & enjoy sont Tenement, sicome ses Aunceſtors & luy avant tiendront: & sil ne vient devant l' an & le jour passe, donque aler' le Seigniour al prochein County-Court suivant ove Testmoignes de sa Court, & face la pronuncer cel Processe pur Testmoignage aver; & p agard de sa Court (apres ceo County tenus) ent' & mainovera en cels Terres & Tenements sicome in son demesne.

Et si le Tenant vient apres, & voile re-aver ses Tenements, & tener sicome il fist devant, face Agree al Seigniour, si come il est antientment dit,

Nigheſith ſelde, & negheſith gelde, & v. li. for the Were, er he become Healder. Vide de ceo 10 *Henrie* 3. *Fitzherbert, Ceſſavit* 60. & Statute 10 *Edward* 2. de *Gavelet* en *London*, en le Collection del Statutes, *London* 2. matter tendant mult a cel purpose, que per cel parol *Gavelet* le Seigniour avera le Terre pur cesser le Tenant. Et veies *Westmonaſt.* 2. cap. 21. que done *Ceſſavit.*

Il y ad aſcuns Copies que ad le primer Verſe iſſint eſcript;

Niſith yelde, & niſith gelde:

Et auters iſſint;

Nigeſith yeld, & nigheſith geld.

Mes ceux ne differ en ſignification. Auters Copies ōnt ceo ſolonque ceſt ſort;

Nigondſith ſeld, & Nigonth geld:

Ceſt adire, Payera il novies foits, & novies foits repay.

There be ſome Copies which have the firſt Verſe thus written;

Niſith yelde, and Niſith gelde: And others thus;

Nigheſith yeld, and nigheſith geld.

But theſe differ not in ſignification. Other Copies have it thus;

Nigondſith ſeld, and nigondſith geld,

That is, Let him nine times pay, and nine times repay.

Gavel-kinde.

Gavel kinde eſt un Cuſtome annexe & currant ove terres en *Kent*, appel *Gavel-kinde-terres*, tenus en antient Socage Tenure. Et eſt penſe p les erudite en Antiquities, deſtre appel *Gavel kinde* de *Give all Kinne*, ceſt adire, a touts les Kinne en un line, accordant come eſt uſe enter les *Germans*, de que nous *Anglois*, & eſpecialment de *Kent*, venomus. Ou eſt appel *Gavel-kinde* de *Give all Kinde*, ceſt adire, al touts les Males, car *Kinde* en *Dutch* ſignifie un Male. Et divers auters ſemble conjectures ſont fait touchant *Gavel kinde*, le quel jeo omit.

Les pluis uſual Cuſtomes ſont, Que le Terre eſt dividable enter les Heires-males; & que le Heire al age de 15 ans poit done & vend ſa Terre; & ſerra inherit', coment ſon piere ſoit attaint & pendue pur felonie; & ſa feme ſerra endowe del demie del Terre dont ſon baron devie ſeiſie; & le baron ſerra Tenant per le Courteſie del demie, coment ne avoit iſſue per ſa feme; mes l'Eſtate del

Gavel-kinde.

GAvel-kinde is a Cuſtom annexed and going with Lands in Kent, called Gavel-kind-lands, holden by antient Socage Tenure. And it is thought by the skilful in Antiquities, to be called Gavel-kinde, of Give all Kinne, that is, to all the Kinded in one Line, according as it is uſed among the Germans, from whom we Engliſh-men, and chiefly of Kent, come. Or elſe it is called Gavel-kinde, of Give all kinde, that is, to all the Male-children, for Kinde in Dutch ſignifies a Male-child. And divers other like conjectures are made touching Gavel-kinde, which I omit.

The moſt uſual Cuſtoms are, That the Land is dividable between the Heirs-male; and that the Heir of the age of fifteen years may give and ſell his Land; and ſhall inherit, although his Father be attainted and hanged for Felony; and his Wife ſhall be endowed of half the Land whereof her Husband died ſeiſed; and the Husband ſhall be Tenant by the Curteſie of the half, although he have no iſſue by his Wife;

wife. but the Eſtate of the Huſband and Wife ceaſes by their ſecond Marriage. And divers other Cuſtoms are uſed in Kent of the Lands in Gavel-kinde, for which ſee Lambert's Perambulation of Kent.

Gawgeour.

GAwgeour is an Officer of the King appointed to ſearch all Tuns, Hogſheads, Pipes, Barrels and Tertians of Wine, Oyl, Honey, Butter, and to give them a Mark of allowance before they are ſold in any place. And becauſe this mark is a Circle made with an Iron Inſtrument for that purpoſe, it ſeems he takes his name from thence. Touching this Office there have been made many Statutes: the firſt is An. 27 E. 3. cap. 8. and the others are, 4 R. 2. c. cap. 1. 18 H. 6. c. 17. 23 H. 6. c. 16. 1 R. 3. cap. 13 and 28 H. 8. c. 14.

Gemote.

GEmote is a Saxon word ſignifying a Convention or Aſſembly: And is uſed in the Laws of Edward the Confeſſor, cap. 35. for a Court, viz. Omnis homo pacem habeat eundo ad Gemotum & rediens de Gemoto, niſi probatus fur fuerit.

Gerſuma.

GErſuma is an obſolete word, for a Fine or Sum of Money; it is often found in ancient Records. See Sir Hen. Spelmans Gloſſarie.

baron & feme ceaſe per lour ſecond Marriage. Et divers auters Cuſtomes ſont uſes en *Kent* de Terres en *Gavelkinde*, pur queux veyes *Lambert's Perambulation de Kent.*

Gawgeour.

G*Áwgeour* eſt un Officer del Roy deſigne de ſearcher touts Tuns, Hogſheads, Pipes, Barrels & Tertians de Vine, Oyle, Honey, Butter, & a don eux un Note d allowance devant ils ſont vendus en aſcun lieu. Et p̄ ceo que ceſt marke eſt un Circle fait ove un inſtrument de ferre pur cel purpoſe, il ſemble q̄ il priſt ſon noſme de ceo. De ceſt Office la ad eſte fait pluſors Statutes: le primer eſt *An.* 27 *E.* 3. *cap.* 8. les auters ſont 4 *R.* 2. *cap.* 1. 18 *H.* 6. *cap.* 17. 23 *H* 6. *Cap.* 16. 1 *R.* 3. *cap.* 13. & 28 *H.* 8. *cap.* 14.

Gemote.

G*Emote* eſtun *Saxon* parol ſignifiant un Convention ou Aſſembly: Et eſt uſe en les Leys *Edvard* le Confeſſor, *cap.* 35. pur un Court, *viz.* Omnis homo pacem habeat eundo ad Gemotum & rediens de Gemoto niſi probatus fur fuerit.

Gerſuma.

G*Erſuma* eſt un obſolete parol, pur un fine ou Sum d' argent; il eſt ſovent trove en veil Records. Veies Sir *Hen. Spelmans Gloſſarium.*

Gild.

GIld, alias *Geld*, ad divers ſignifications: come aſcun foits un Tribute; auter foits un Amerciament; tiercement, un Fraternitie ou Companie combine enſemble per Orders & Leys fait int' eux meſmes ove le congee le Roy. *Cambden* cita pluſors Antiquities per que il appiert de ſignifier un Tribute ou Tax; come *pag.* 135, 139, 159, 168, 178. *Crompton*, en ſes *Juriſdictions*, *f.* 191. monſtre ceo deſtre un Amerciament, come *Footgeld*; uncore *fol.* 191. il dit, Deſtre quit de touts manners de *Gelds* eſt, deſtre diſcharge de touts manners de Preſtations deſtre fait pur le priſure de Garbes de Corne, d juvene Barbits, & de Lane, al uſe del Forreſters.

Auxy *Cambden*, *pag* 149. dividant *Suffolk* en trois parts, appel le primer *Gildable*, p̃ ceo que Tribute eſt de ceo collect. Et les Statutes *Anno* 27 *Edw.* 3. *Stat.* 2. *c* 13. *&* *Anno* 11 *Hen.* 7. *cap.* 9. uſont Gildable en m̃ le ſenſe; & iſſint Stat. *Anno* 27 *H* 8. *cap.* 26. De ceo Monſieur *Lambert* verbo *Contubernalis* eſt pſwade que l' common pol Gild ou *Gild-hall* p oceda, eſteant un Fraternitie ou Communaltie de homes aggregated en un Combination, ſupportant lour common charge p un mutual Contribution. Et en le *Reg. Orig. f.* 229. *b.* la eſt *Gildam Mercatoriam*, que ſemble deſtre un certaine Libertie ou privilege apptinent al Merchants, p que ils ſont enable de tener certain Plees de Terre deins lour Precincts demeſne. Ceſt pol *Gilds* ou *Guilds* eſt iſſint uſe *Anno* 27 *E.* 3. *c.* 51. & *An.* 15 *R.* 2. *c.* 5.

Gild.

GIld. alias Geld, has dibers ſignifications: as ſometimes a Tribute; ochertimes an Amerciament; tyrdly, a Fraternity or Company combined together by Orders and Laws made amongſt themſelbes with the King's Licence. Cambden cites many Antiquities, whereby it appears to ſignifie a Tribute or Tax; as pag. 135, 139, 159, 168, 178. Crompton, in his Juriſdictions, fol. 191. ſhews it to be an Amerciament, as Footgeld; yet fol. 197. he ſays, to be quit of all manner of Gelds, is to be diſcharged of all manner of Preſtations to be made for gatbering of Sheabes of Corn, young Lambs, and Wooll, to the uſe of the Foreſters.

Alſo Cambden, pag. 149. dibiding Suffolk into three parts, calls the firſt Gildable, becauſe tribute is thence gathered. And the Statutes Anno 27 Edw. 3. Stat. 2. cap. 13. and Anno 11 H. 7. cap. 9. uſe Gildable in the ſame ſenſe; and ſo the Statute Anno 27 H. 8. cap. 26. Bente Lambert in the word Contubernalis is perſwaded that the common word Gild or Gild-hall proceeds, being a Fraternity or Communalty of men gathered in one Combination, ſupporting their common charge by a mutual Contribution. And in the Reg. Orig. fol. 229. b. there is Gildam Mercatoriam, which ſeems to be a certain Liberty or Pabilege appertaining to Merchants, whereby they are enabled to hold certain Pleas of Land within their own Precincts. This word Gilds or Guilds is ſo uſed Anno 27 E. 3. cap. 51. and Anno 15 R. 2. c. 5.

And

And Guildhalda Teutonicorum is uſed for the Fraternity of Eaſterling Merchants in London called the Still-yard, Anno 22 H. 8. c. 8. See Coke, l. 8. f. 125.

Et *Guildhalda Teutonicorum* eſt uſe p̄ le Fraternitie de Eaſterling Merchants en *Londres* appel le *Still-yard*, *Anno* 22 *H.* 8. *c.* 8. Veies *Coke*, *l.* 8. *f.* 125.

Giſarms.

GIſarms was a certain Weapon, mentioned 13 E. 1. Stat. 3. c. 6. Fleta writes it Siſarmes, l. 1. cap. 24.

Giſarms.

G*Iſarms* fuit un certeine Weapon, mention 13 *E* 1 *Stat.* 3. *c.* 6. *Fleta* eſcrie le m̄ *Siſarmes* *l.* 1. *c.* 24.

Glebe.

GLebe, are Lands of which the Rector or Vicar are ſeiſed in Jure Eccleſiæ.

Glebe.

G*Lebe*, ſ̄or les terrs de queux un Rector ou Viccar eſt ſeiſie in Jure Eccleſiæ.

Good abearing.

GOod abearing, Bonus geſtus, ſignifies, the exact Carriage or Behaviour of a Subject to a King and his Liege People, to which Men ſometimes for their looſe Demeanour are bound: And he that is bound to this is more ſtrictly bound than to the Peace, for the Peace is not broken without an actual Affray, Battery, &c but this may be forfeited by the number of a Mans Company, or his Weapons, Crompt. Juſt. 119, 120, &c.

Bon abearing.

B*On abearing*, *Bonus geſtus*, ſignifie le exact demeaning ou Comportment de un Subject al un Roy & ſon Liege People, al que homes aſcuns foits pour lour looſe deportment ſont lies, Et il que eſt lie al ceo eſt pluis ſtrictment lie que al Paix, car le Paix ne eſt enfreint ſans un actuel Affray, Battery, *&c.* mes ceo poet eſtre forfeit per le nombre de ſon Company, ou ſon Arms, *Crompt. Juſt.* 119, 120, *&c.*

Gors.

GOrs (Gurges) is a Pool or Pit of water to keep Fiſh in, by the Grant whereof the Soil it ſelf paſſes; and a Præcipe quod reddat lies of it, as you may ſee in 4 Ed. 3. 29. b. and 8 E. 3. 13. a. and F. N. B. 191. H.

Gors.

G*Ors* (*Gurges*) eſt un Eſtrange ou Gulfe d'eau p̄ le p̄ſerver des peſſons, per le grant de q; le Soil m̄ paſſe; & un *Præcipe quod reddat* giſt de ceo, come eſt a veier en 4 *E.* 3. 29. *b.* & 8 *E.* 3. 13. *a.* & *F. N. B.* 191. *H.*

Granage.

GRanage, is a Duty in London, viz. the twentieth part of Salt Imported by an Alien, and due to the Mayor, Dyer 352.

Granage.

G*Ranage*, Duty en *Londres*, *viz.* le 20th. part de Salc import per un Alien, due al Mayor, *Dyer*, 352.

Grand Cape.

GRand Cape. Veies de ceo apres en le Title *Petit Cape.*

Grand Days.

GRand Days ſont ceux que ſont ſolemnement obſerve en cheſcun Term en les Inns de Court & Chancery, *viz.* In Term. *Paſch* dies *Aſcenc.* in Term. *Trin.* dies S. *J. Bapt.* in Term. *Mich. dies Omn. Sanct.* in Term. *Hill.* dies Purif. B. Virg. Et ceux ne ſont dies Juridici.

Grand Diſtreſs.

GRand Diſtreſs. Veies de ceo devant en le Title *Diſtreſs.*

Grand Serjeanty.

GRand Serjeanty eſt, lou un home tient del Roy certaine Terres p̄ le Service de porter ſon Banner ou Launce, ou ameſner ſon hoſte, ou deſtre ſon Carver ou Butler a ſon Coronm̄t, & tiels ſemblables; & ceo eſt la pluis digne Service q̄ le Tenant poit fair, & p̄ ceo eſt appel *Grand Serjeanty.* Mes *Petit Serjeanty* eſt, quant un tient d̄ Roy, rendant a luy annualm̄t un Arc, un Coreau, un Launce, ou tiel ſemblable; & ceo neſt forſque Socage en effect: mes hōe ne poit tener ē Grand Serjeanty ne p̄ Petit Serjeanty ſi non de Roy. Auxy ſi Tenant p̄ Grand Serjeanty moruſt, ſon Heir, eſteant d̄ plein age, payera al Roy pur Relief le value des Tres, ouſt'les charges q; il pay al Roy, p̄ Grād Serjeanty: mes ceſtuy q' tient p̄ Eſcuage payera p̄ ſon Relief forſq; C. s.

Grand Cape.

GRand Cape. Look for it after in the Title Petit Cape.

Grand Days.

GRand Days are thoſe which are ſolemnly kept in every Term in the Inns of Court and Chancery, viz. In Eaſter Term, Aſcention day; in Trin. Term, St. John Baptiſt, in Michaelmas Term, All Saints; in Hillary Term, the Feaſt of the Purification of the B. Virgin. And theſe are no days in Court.

Grand Diſtreſs.

GRand Diſtreſs. See of that before in the Title Diſtreſs.

Grand Serjeanty.

GRand Serjeanty is, where a man holds of the King certain Land by the Service of carrying his Banner or Launce, or to lead his Hoſt, or to be his Carver or Butler at his Coronation, or the like; and that is the moſt Honorable Service that a Tenant may do, and for that it is called Grand Serjeanty. But Petit Serjeanty is, when one holds of the King, paying him yearly a Bow, a Sword, a Spear, or ſuch like; and that is but Socage in effect: but a man cannot hold in Grand Serjeanty or Petit Serjeanty but of the King. Alſo if a Tenant by Grand Serjeanty dies, his Heir, being of full age, ſhall pay to the King for Relief the value of the Lands, beſides the charges that he pays to the King by Grand Serjeanty: but he that holds by Eſcuage ſhall pay for his Relief but C. s.

Thoſe

Thoſe that are in the Marches of Scotland, who hold of the King by Cornage, that is, to blow an Horn when the Scots enter England, are Tenants in Grand Serjeanty.

Alſo where a man holds of the King to find a man in his Wars within the Realm, that is called Grand Serjeanty, becauſe it is done by a mans Body: And if the Tenant cannot find a man to do it, he is bound to do it himſelf.

But ſee the Stat. 12 Car. 2. c. 24. whereby all Tenures are now turned into Free and Common Socage.

Grange.

GRange is a Houſe or Farm not only for the laying up of Wheat, or any other ſort of Grain, but alſo any Houſes for Horſes, Swine, Beefs, &c. and by the Grant of a Grange, ſuch places ſhall paſs.

Grant.

GRant ſignifies a Gift in writing of ſuch a thing which cannot properly be paſſed or conveyed by word only, as Rent, Reverſions, Advowſons in Groſs, Tithes, &c. Or made by ſuch Perſons as cannot give but by Deed, as the King and all Bodies Politick; And he who grants is called the Grantor, and he to whom the Grant is made is called the Grantee. A thing is ſaid to lie in grant which cannot be aſſigned without Deed. Co. 3 Rep. 63.

Ceux que ſont en les Marches de *Scotland*, que tienont del Roy p *Cornage*, ceo eſt, p̄ ventiler un Cornu quant les *Scots* entront *Angleterre*, ſont Tenants p *Grand Serjeanty*

Aux' ou un home tient del Roy p̄ trover un home en ſa Guerre deins le Realm, c'eſt dit *Grand Serjeanty*, p̄ ceo q; il eſt fait p Corps d'un home: Et ſi le Tenant ne poit trover home de faire ceo, il eſt tenus de faire ceo luy meſm.

Mes veies le Stat. 12 *Car.* 2. *c.* 24. p quel touts les Tenures ſont ore turne ē frank & common *Socage*.

Grange.

GRange eſt un Huys ou Ferm non ſolement pur le repoſer de Frument ou aſcun autre ſort de Grain, mes auxi Edifices pur Garons, Porcs, Boefs, *&c.* & per le Grant de un Grange tiels lieus paſſeront.

Grant.

GRant ſignifie un done en eſcript de tiel choſe que ne poit aptment eſtre paſs ou convey per parol ſolement, come Rent, Reverſions, Advowſons en poet groſs, Commons in groſs, Diſms, *&c.* Ou fait per tiels perſons que ne poent doner mes per fait, come le Roy & touts Corps Politick; & celuy que grant eſt noſme le Grantor, & celuy a que le Grant eſt fait eſt noſme le Grantee. Un choſe eſt dit de giſer en grant que ne poet eſtre aſſign ſans fait. *Co.* 3 *Rep.* 63.

Gree.

GRee venuſt del *Franceis* parol (*Gre*) Beneplacitum; & ſignifie en noſtre Ley Contentment ou Satisfaction: come en le Statute 1 *R.* 2. *c.* 15. de faire *Gree* as parties eſt a doner eux contentment ou Satisfaction pur un Offence al eux fait.

Gree.

GRee comes of the French word (Gree) good liking; and it ſignifies in our Law, Contentment or Satisfaction; as in the Statute of 1 R. 2. c. 15. to make Gree to the parties is to give them Contentment or Satisfaction for an Offence done unto them.

Green hew.

GReen *hew* eſt tout un ove *Vert*, cõe appiert p *Manwood* en ſes Leys del Forreſt, *c.* 6. *ſect.* 5. Et p c' veies *Vert.*

Green hew.

GReen hew is all one with Vert, as appears by Manwood in his Forreſt Laws, cap. 6. ſect. 5. And for it ſee Vert.

Green Wax.

GReen *Wax* eſt un parol uſe en les Statutes d 42 *E.* 3. *c.* 9. & 7 *H.* 4. *c.* 3. & ſignifie les Eſtreats des Iſſues, Fines & Amerciaments en l' Eſchequer, & bailes hors as Viſcounts ſouth le Seale del Court, deſtre p eux levies en lour ſeveral Counties.

Green Wax.

GReen Wax is a word uſed in the Statutes of 42 E. 3. c. 9. and 7 H. 4. c. 3. and ſignifies the Eſtreats of Iſſues, Fines and Amerciaments in the Exchequer, and delivered out to the Sheriffs under the Seal of the Court, to be levied by them in their ſeveral Counties.

Greve.

GReve *Præpoſitus*, eſt un parol de Authority, & ſignifie tant come Comes, ou Vicecomes; Mr. *Lambert* fait ceo tout un ove *Reve*; de ont vient *Portreve*, *Shyreve.*

Greve.

GReve, Præpoſitus, is a word of Authority, and ſignifies as much as Comes, or Vicecomes; Mr. Lambert makes it all one with Reve; whence our Portgreve, Shyreve.

Grithbreach.

GRithbreach, hoc eſt, Pax Domini Regis fracta; quia *Grith Anglice*, *Pax Latine*,

Grithbreach.

GRithbreach, that is, the Kings Peace broken; becauſe Grith in Engliſh is Pax in Latine.

Groſs Bois.

GRoſs *Bois* eſt tiel Boies que propriement en aſcun lieus ou pe Cuſtom ou per le Cõmon Ley ſignifie Timber, *Co.* 2. *Inſt.* 643.

Groſs Bois.

GRoſs Bois is ſuch Wood which properly in ſome places either by Cuſtom or the Common Law ſignifies Timber, Co. 2. Inſt. 643.

Gule

Gule of Auguſt.

GUle of Auguſt is the firſt day of the Calends of Auguſt, which in the time of E. 1. and E. 3 was called ordinarily the Gule of Auguſt, as appears by F. N. B. f. 62. I. and Plowdens Com. f. 316. b. It is the very day of S. Peter ad vincula; and the reaſon why it was called the Gule of Auguſt, is conceived upon a Story recorded by Durandus in his Rationale Divinorum, l. 7. c. 19. of a Miracle wrought by S. Peter's Chain upon the daughter of one Quirinus a Tribune of Rome, who by the kiſſing of that Chain was healed of the Kings Evil in her Throat (gula.) And ſee Hoſpinian. de origine feſtorum, f. 85. b.

Gule de Auguſt.

GUle de Auguſt eſt le prim jour ou les Calends del *Auguſt*, q̃ en le temps *E* 1. & *E.* 3. fuit uſualment appel de *Gule de Auguſt*, come appiert per *F N. B. f.* 62. *l* & *Plowden Com. f.* 316. *b.* Eſt le verie jour S. *Petri ad vincula*; & le reaſon pur que eſt appel le *Gule de Auguſt* eſt conceive ſur un Hiſtorie recorde per *Durandus* en ſon *Rationale Divinorum*, *l.* 7, *c.* 19. d'un Miracle effect per le Chaine de S. *Peter* ſur le file d'un *Quirine* un Tribune del *Rome*, que p le baiſer del dit Chaine fuit cure des Eſcrovel en ſa Gule (*gula.*) Et veies *Hoſpin: de origine feſtorum, f.* 85. *b.*

Gultwit.

GUltwit is an Amends for Treſpaſs, according to Saxton in his Deſcription of England, c. 11.

Gultwit.

GUltwit eſt un amends pur Treſpaſſe, ſolonque *Saxton* en ſon *Deſcription del Angleterre*, *c.* 11.

H.

Habeas Corpus.

HAbeas Corpus is a Writ which a Man indited of any Treſpaſs before Juſtices of the Peace, or in a Court of any Franchiſe, and upon his Apprehenſion being laid in Priſon for the ſame, may have out of the Kings Bench, thereby to remove himſelf hither at his own Coſts, and to anſwer the Cauſe there. F. N. B. f. 250. h. And the order in this caſe is, firſt to procure a Certiorari out of the Chancery, for the removing of the Indictment into the Kings

H.

Habeas Corpus.

HAbeas Corpus eſt un Bre le quel home endite d'aſc' Treſpaſſe devant Juſtices del Peace, ou en un Court d'aſc' Franchiſe, & ſur ſon Priſure eſteant giſt en Priſon pur m̃, poit aver hors del Banke le Roy, p c' d'ameſner luy meſme la a ſes coſts demeſne, & de reſpond le Cauſe icy *F. N. B. f.* 250. *h.* L'order en ceo caſe eſt, primerment d procurer un *Certiorari* hors del Chancerie, direct al dits Juſtices, pur le remover del Endict-

ment ẽ le Banke le Roy; & ſur ceo de procurer ceſt Bꝛe al Viſc', de cauſer ſon Corps deſtre ameſne al un jour, *Reg. Judic. f.* 18. ou vous poies trover pluſors caſes ẽ queux ceſt Brief ſerra uſe.

Habeas corpora.

H*Abeas corpora* eſt un Bꝛe que giſt contre un Jurie ou aſcun d'eux que refuſont de vener ſur le *Venire facias*, pur le Trial d'un Meiſtre port al iſſue.

Habendum.

H*Abendum* eſt un parol de forme en un Conveyance, al voyer Intelligence de q; eſt deſtre obſerve, que en cheſc' Fait de Conveyance la ſont deux principal parts, le *Premiſſes* & l' *Habendum*.

Le Office des *Premiſſes* eſt d' expreſſer le noſme del Grantor, le Grantee, & le Choſe deſtre graunte. L'Office del *Habendum* eſt, d limitter l'Eſtate, iſſint q; le general Implication del Eſtate, que per conſtruction del Ley paſſa en les Premiſſes, eſt p le *Habendum* controlle & qualifie: Sicõe en un Leaſe a deux homes, *Habendum* a l'un p̃ vie, le Remainder al auter pur vie, alter le geñal Implication del Joynt-tenancie en le Franktenemẽt, que paſſera p les Premiſſes, ſi l' *Habendum* ad eſte omis. Veies *Coke, l.* 2. *f.* 55.

Habere facias Seiſinam.

H*Abere facias Seiſinam* eſt un Brief Judicial que giſt lou un ad recover certain Terres en Court le Roy; doñques il avera ceſt Brief direct al Viſcount, luy commandant de doner a luy Seiſin del Terre, & ne ſerra retournable.

Habeas Corpora.

HAbeas Corpora, is a writ which lies againſt a Jury, or any of them that refuſe to come upon the Venire facias, for the Trial of a Cauſe brought to iſſue.

Habendum.

HAbendum is a word of form in a Conveyance, to the true underſtanding whereof it is to be obſerved, That in every Deed of Conveyance there are two principal parts, the Premiſſe, and the Habendum.

The Office of the Premiſſes is, to expreſs the Name of the Grantor, the Grantee, and the thing to be granted. The Office of the Habendum is, to limit the Eſtate, ſo that the general Implication of the Eſtate, which by conſtruction of Law paſſes in the Premiſſes, is by the Habendum controlled and qualified: as in a Leaſe to two men, Habendum to the one for life, the Remainder to the other for life, alters the general Implication of the Joynt-tenancy in the Free-hold, which paſſes by the Premiſſes, if the Habendum were not. See Coke l. 2. c. 55.

Habere facias Seiſinam.

HAbere facias Seiſinam is a Writ Judicial, that lies where one hath recovered certain Lands in the Kings Court; then he ſhall have this writ directed to the Sheriff, commanding him to give him Seiſin of that Land, and it ſhall not be returnable.

Habere

Habere facias Viſum.

HAbere facias Viſum is a writ that lies in divers Caſes, where view is to be taken of the Lands or Tenements in queſtion. See F. N. B. In Indice, verbo *View*; & Bract. l. 5. tract. 3. c. 8.

Haiebote.

HAiebote cometh from the French word Haye, ſæpes, and the Saxon word Bote, Compenſatio, and is taken for a Permiſſion to take Thorns or Freeth to make or repair Hedges.

Half-blood.

HAlf-blood. See Demyſank.

Half Seal.

HAlf Seal is a Seal uſed in Chancery for the Sealing of Commiſſions to Delegates upon an Appeal in a Cauſe civil or marine, as it appears by the Statute made in 8 Eliz. c. 3.

Halymote.

HAlymote is a Court-Baron, as appears by Manwood in his Foreſt Laws, c. 23. f. 217. a. And it is called Halymote, that is, the Meeting of the Tenants of one Hall or Mannor.

Hambling, *or* Hoxing of Dogs.

HAmbling, or Hoxing, or Hock-ſinewing of Dogs, are old Foreſt terms for the Lawing of Dogs, when the Cuſtom was (as appears in Manwood's Forreſt Laws, c. 16. ſect. 12.) to cut or gaſh Dogs in the Hamms; but now they uſe to do it in their Feet. Of which ſee Expeditate.

Habere facias Viſum.

H*Abere facias Viſum* eſt un Bre. q; giſt en pluſeurs Caſes, lou View eſt eſtre pris del Tres ou Tenements ē queſtion. Veies *F. N. B. In Indice, verbo* View; & *Br. l. 5. tra. 3. c. 8.*

Haiebote.

H*Aiebote* vient del *Francois* parol *Haye, ſæpes*, & del *Saxon* parol *Bote, Compenſatio*, & eſt uſe pur un permiſſion de prender Thorns ou Freeth de faire ou repayrer Hedges.

Half-bloud.

H*Alf-bloud.* Veies *Demyſank.*

Demy Seal.

D*Emy Seal* eſt un Seal uſe ē le Chācerie p̄ le ſealer des Commiſſions as Delegates ſur un Appeal en un Cauſe civil ou marine, come appiert p̄ le Stat. fait en 8 *Eliz. c.* 5.

Halymote.

H*Alymote* eſt un Court-Baron, cō appiert per *Manwood*, ē ſes *Forreſt Leys, c* 23. *f.* 217. *a.* Et eſt appel *Halymote*, ceſtaſcavoir, le *Concurſe* des Tenāts d'un *Hall* ou Mannor.

Hambling, pu *Hoxing des Chiens.*

H*Ambling*, ou *Hoxing*, ou *Hook-ſinewing* des Chiens, ſont antient t'mes del Forreſt p̄ le Lawing des Chiens, quant le cuſtom̄ fuit, (cōe appiert p̄ *Ma. Fo Leys, c.* 16. *ſect.* 12.) d coup ou berluffer Chiens ē lou Jareds; mes ore eſt uſe deſtre fait en lour Pleds. De q̄ veies *Expeditate.*

Hand-

Hand-gun.

Hand-gun eſt un Engine q̄ eſt prohibite deſtre uſe & emport per le Statute de 33 *H.* 8. *c.* 6. Et com't que un Dagge fuit invent de tardiſe tēps, & puis le feſans del dit Act, & neſt conuſt p̄ le noſm̄ d̄ *Hand-gun*, mes p̄ un eſpecial noſme; uncore le carrying d'un *Dagge* eſt deins le dit Act, & comprehend deins le parol *Hand gun*. Iſſint ou Croſſe-bowes ſont prohibite p̄ le dit Act, p̄ ceo Stone-bowes ſont auxy prohibite. Veies *Coke*, 5. *f.* 71, 72.

Hand-gun.

HAnd-gun is an Engine which is prohibited to be uſed and carried about by the Statute of 33 H. 8. c. 6. And though a Dag was invented of late time, and after the making of the ſaid Act, and is not known by the name of Hand-gun, but by a ſpecial name; yet the carrying of a Dag is within the ſaid Act, and comprehended within the word Hand-gun. So whereas Croſs-bows are forbidden by the ſaid Act, thereby Stone-bows are alſo forbidden. See Coke, l. 5. f. 71, 72.

Hangwit.

HAngwit eſt, quietum eſſe de Latrone ſuſpenſo ſine Judicio, vel extra Cuſtodiam veſtram evaſo.

Hangwit.

HAngwit is, to be quit of a Thief or Felon hanged without Judgment, or eſcaped out of your cuſtody.

Hanper.

HAnper del Chancerie, *Anno* 10 *R.* 2. *c.* 1. ſemble de ſignifier come *Fiſcus* originalment en *Latine*.

Hanper.

HAnper of the Chancery, Anno 10 R. 2. c. 1. ſeems to ſignifie as Fiſcus originally does in Latin.

Haque.

HAque eſt un petit Hand-gun al longeur des trois quartiers d' un verge, & eſt mention ē le Stat. d̄ 33 *H.* 8. *c.* 6. *&* 2 *&* 3 *E.* 6. *c.* 14. La eſt aux' parle d'un *demy Haque*.

Haque.

HAque is a little Hand-gun of three quarters of a yard long, and it is mentioned in the Statutes of 33 H. 8. c. 6. and 2 & 3 E. 6. c. 14. There is alſo mention made of an half Haque.

Haquebut.

HAquebut eſt un Gunne mention en le Stat. de 2 *&* 3 *E.* 6. *c.* 14. & eſt tout un ove un *Arquebuſe*.

Haquebut.

HAquebut is a Gun mentioned in the Statute of 2 & 3 E. 6. c. 14. and it is all one with an Harquebuze.

Hariot.

HAriot eſt en deux ſorts; l'un Hariot Cuſtome, l' auter Hariot Service.

Hariot, *or* Heriot.

HAriot is of two ſorts; Hariot Cuſtome, and Hariot Service.

Hariot

Hariot Service is often expreſſed in a mans Grant or Deed, that he holds by ſuch Service to pay Hariot at the time of his death. And this Hariot is payable after the death of the Tenant in Fee-ſimple.

Hariot Cuſtom is, where Hariots have been paid time out of mind by Cuſtom. And this may be after the death of the Tenant for life, &c. But to ſpeak thereof generally:

Hariot is the beſt Beaſt (whether it be Horſe, Ox, or Cow) that the Tenant had at the time of his death. And a Diſtreſs may be either ſeiſed or taken for it, whether it be Hariot Service, or Hariot Cuſtom, to the Lords uſe of whom the Tenant held, by his Bailiff or other Officers. But of right neither the Lord nor his Officer ſhould take Hariot, before it be preſented at the next Court holden after the Tenant is dead, that ſuch a Beaſt is due for his Hariot.

Hariot Service eſt mult foits expreſſe ē le Grant d'un hõe ou ē ſon Fait, q; il tient p̄ tiel Service pur payer *Hariot* al tẽps d̄ ſon mort. Et ceſt Hariot eſt payable apres le mort del Tenant en Fee-ſimple.

Hariot Cuſtome eſt, lou *Hariots* ont eſte payes tẽps hors de memory p̄ Cuſtome. Et ceo poit eſte apres le mort dl Tenant p̄ vie, *&c.* Mes a parler de ceo generalment:

Hariot eſt le melieur Beaſt (ſoit il Chival, Boefe, ou Vache) que le Tenant ad al temps de ſon mort. Et un Diſtreſs poit eſtr̄ ſeiſie ou pris p̄ ceo, ſoit il *Hariot Service*, ou *Hariot Cuſtom*, al uſe del Seignior de q̄ le Tenãt tient, p̄ ſon Bailiff ou auters Officers. Mes de droit le Seignior ne ſon Officer ne doit prender *Hariot*, devant que il ſoit preſent al prochein Court tenus apres le Tenant eſt mort que tiel Beaſt eſt due p̄ ſon *Hariot*.

Haward.

HAward, or Hayward, is an Officer appointed in every Town to be the Common Herd of the Town; and he is ſo called, either for that it is one part of his Office to keep the Hedges of incloſed Grounds, ſo that they be not cropped or broken down; or becauſe he keeps the Graſs from hurt and deſtruction of Cattle, ſo that Hay may be made thereof. He is an Officer ſworn in the Lords Court: For which Oath, ſee Kitch. fol. 46.

Hawgrd.

H*Award*, ou *Hayward*, eſt un Officer deſigne en cheſcun Ville deſtre le common Herd del Ville: & il eſt iſſint appel, ou pur ceo que un part de ſon Office eſt pur garder les *Hayes* de terres encloſe, iſſint que ils ne ſoient croppe ne enfringe; ou pur ceo que il garde le Graſſe del parde & deſtruction des Avers, iſſint q; *Hay* poit eſtre fait de ceo. Il eſt un Officer jurus en le Court del Seignior: Pur quel Serement, veies *Kitch. fol.* 46.

Hawkers.

HAwkers is a word uſed in the Statutes 25 H. 8. cap. 9. and

Haukers.

H*Aukers* eſt un terme uſe en les Statutes de 25 *H.* 8. *c.* 9. &

& 33 *H.* 8. *cap.* 4. pur Tinkers queux alont de lieu en lieu per le pais, & per color des Letters Patents le Roy ou Plachards achatont & vendont Airain & Pewter, & deceive les lieges le Roy & en le poiſe & en le ſubſtance.

33 Hen. 8. cap. 4. for Tinkers that go from place to place through the Country, and by colour of the King's Letters Patents or Placards buy and ſell Brass and Pewter, and cozen the Kings people both in the weight and in the ſtuff.

Heybote, ou *Hedgebote*.

HEybote, ou *Hedgebote*, eſt neceſſarie Stuff pur faire & amend *Haies*, q̄ Leſſee pur ans ou p̄ vie de common droit poit prender ſur le Tre a luy leſſe, nient obſtant il ne ſoit expreſſe en ſon Leaſe, & nient obſtant que il ſoit un Leaſe p̄ Parol, ſans Eſcript.

Heybote auxy poit eſtre priſe pur neceſſarie ſtuff pur faire Rakes, Forks, & tiels ſēbl' inſtrum̄ts, ove queux hōes uſont ē Somm̄ p̄ tedder & faire Feine. Et iſſint un Leſſee pur ans priſt c', & fuiſt luy allow per ſon Leſſor, pluis toſt, come jeo ſuppoſe, pur ceo que tiels Inſtruments ſont faits de ſlend' Subbois, que p̄ le Common Ley, le Leſſee p̄ ans poit ſuccider & prender, come eſt avandit.

Hey-bote, *or* Hedge-bote.

HEy-bote, or Hedge-bote, is neceſſary Stuff to make and mend Hedges, which the Leſſee for years or for life of common right may take upon the Ground to him leaſed, although it be not expreſſed in his Leaſe, and although it be a Leaſe by Word, without Writing.

Heybote alſo may be taken for neceſſary Stuff to make Rakes, Forks, and ſuch like Inſtruments, wherewith men uſe in Summer to tedd and make Hay. And ſo Leſſee for years took it, and it was allowed him by his Leſſor, the rather, as I ſuppoſe, for that ſuch Inſtruments are commonly made of ſlender Underwood, which by the Common Law the Leſſee for years may cut and take as aforeſaid.

Head-borow.

H*Ead-borow* eſt compound des deux parols, *Heofed, id eſt, Caput*, & *Borhe, id eſt, Pignus*. Iſſint que *Head-borow*, ſignifie le chief des Frankpledges en un Decenarie deins un Leer, ou celuy que avoit le governance des eux q̄ ſōt deins ſō Pledge demeſne; & il fuit appel *Head borough*, ou *Borow-head*, ou *Borough-holder*, ou *Third borow*, ou *Tithing-man*. ou *Chief-Pledge*, ou *Borow-Elder*, ſolōq le diverſitie des dialects des divers lieus. Et a ceo jour eſt ore appel un *Conſtable*.

Head borow.

HEad-borow is compounded of two words, Heofed, id eſt, Head, and Borhe, id eſt, Pledge. So that Head borow ſignifies the chief of the free Pledges in a Decennary within a Leet, or he that had the Government of thoſe that are within his own Pledge. And he was called Head-borough, or Borow-head, or Borough-holder, or Third-borough, or Tithing-man, or Chief-Pledge, or Borow-Elder, according to the diverſity of ſpeech in divers places. And to this day he is now called a Conſtable.

Head-

Head-silver.

HEadsilver. See Common Fine.

Heireloome.

HEireloome, is any piece of Houshold-stuff, which, by the Custom of some Countries, having belonged to a House for certain descents, goes with the House (after the death of the Owner) unto the Heir, and not to the Executors.

Herbage.

HErbage is the Fruit of the Earth provided by Nature for the bit or mouth of the Cattel: But it is commonly used for a Liberty to feed ones Cattel in another mans ground, as in the Forrest, &c. Cromp. Juris. fol. 197.

Herbenger.

HErbenger cometh from the French word Herberger, i. e. Hospitio accipere, and signifies an Officer in the King's Court who appoints the Noblemen and those of the Family their Lodgings.

Hereditaments.

HEreditaments signify all such things whether corporeal or incorporeal which a Man may have to him and his Heirs by way of Inheritance, and which if they be not otherwise bequeathed come to him which is next of Blood, and not to the Executors or Administrators as Chatels do. It is a word of a very large extent, for by this Signiories, Lands, Rents, Advowsons, &c. and any other things that are inheritable shall pass, Co. Lit. 6.

Head-silver.

HEad-silver. Veies Com. Fine

Heireloome.

HEireloome est ascun parcel des Utensils d'un mease, que, p le custome del asc' Pais, esteant apperteinãt al un Mease pur certaine discents, ala ove le Mease (apres le mort del Owner) al Heire, & nemy as Executors.

Herbage.

HErbage est le Fruit del terre provise per nature pur le bit ou bouch del Cattel: Mes il est cõunem̃ use pur un Liberty a pascer le Cattel d'un hom̃ en le fund del aut', come en le Forrest, *&c. Crom. Jurisd. fol.* 197.

Herbenger.

HErbenger vient del Francois parol *Herberger*, i. e. *Hospitio accipere*, & signifie un Officer en le Court le Roy pur allot al Noble-homen & ceux del Family lour apartments.

Hereditaments.

HEreditaments signifie touts ceux choses immoveable, soient ils corporeal ou incorporeal queux un home poet aver a luy & son Heirs per voy de Inheritance, & queux si ne sont auterment bequest veignant a celuy que est prochein de sank & nemy al Executors ou Administrators come Chattels. Est parol de pluis large extent, car per ceo, Seigniories, Terres, Rents, Advowsons, *&c.* & quelcunque choses que poent estre inherit, passera, *Co. Lit.* 6.

Hæretico

Heretico, ou *Hæretico comburendo.*

HÆretico comburendo eſt un Brief que giſt vers luy que eſt un Heretique, ceo eſt, que ayant eſtre un foits convince de Hereſie per l' Eveſque, & ayant c' abjure, puis en ceo relapſe arere, ou en aſcun auter, & eſt ſur ceo commiſe al Lay poyar.

Et *Brit. lib.* 1. *cap.* 17. dit, Que per le Common Ley ceux perſons queux felonioufment arſeront auters Blees ou auters Meaſons, Sorciers & Sorciereſſes, Sodomites, & Hereticks, ſerront combures & arſes.

Ceſt Brief eſt toll per Stat. *Car.* 2.

Hermitage, & *Hermite.*

HErmite eſt un Religious home q; devote luy meſme a viver ſolitary ẽ aſcun private lieu ẽ un Eſgliſe ou Mõaſtery, *&c.* & ſon lieu eſt appel Hermitage. Et de ceo Prohibition giſt. *Nat. Br.* 34. *G.*

Hidage.

HIdage eſt quietum eſſe, ſi Dominus Rex talliaverit totam Terram p Hidas.

Nota, Que un *Hide* de Tre eſt un entire Plough-land. Et ceſt kind de Taxing per *Hides* fuit mult uſe en veile temps, cybien pur proviſion de Armour, come payments de Argent; & c' principalmt en les jours del Roy *Etheldred*, que en l' an de Chriſt 1006. q̃t les *Danes* priſtera terre al *Sandwich* en *Kent*, tax tout ſon Tre p *Hides* en ceſt mañ; Que cheſc' 310 *Hides* d Tre doiẽt trover

Heretico, *or* Hæretico comburendo.

HÆretico comburendo is a writ that lies againſt him who is an Heretick, that is, who having been once convicted of Hereſie by the Biſhop, and having abjured it, afterwards falls into it again, or into ſome other, and is thereupon committed to the Secular Power.

And Brit. lib. 1. cap. 17. ſaith, That by the Common Law theſe perſons who Felontouſly burn the Corn or Houſes of others, Sorcerers and Sorcereſſes, Sodomitical perſons and Hereticks, ſhould be burnt and conſumed.

This Writ is taken away by the Statute of K. C. 2.

Hermitage & Hermite.

HErmite is a Religious Man, who devotes himſelf to live ſolitary in any private Place, Church, or Monaſtery, &c. And his place is called an Hermitage. And of it a Prohibition lies, Nat. Br. 34. G.

Hidage.

HIdage is to be quit, if the King ſhall tax all the Land by Hides.

Note, that a Hide of Land is a whole Plough-land. And this kind of Taxing by Hides was much uſed in old time, as well for proviſion of Armour, as payments of Money; and that chiefly in King Etheldred's days, who in the year of Chriſt, 1006. when the Danes landed at Sandwich in Kent, taxed all his Land by Hides thus: That every 310 Hides of Land ſhould find one Ship furniſhed, and every eight Hides

ſhould

ould find one Jack and one addle, for the defence of the ealm.

un Nief furnish, & chesc' 8 *Hides* doient trover un Jacke & un Sallet, pur le defence deal Realm.

Hide *and* Gayne.

Hide *and* Gayne did anciently signifie arrable Land. Old Nat. Brev. 71. & Co. Lit. 85. b. For of old to Gain Land was as much as to Till and Manure it.

Hide & Gayne.

Hide & Gayne en ancient temps signifie arable Terre, *Vet. Nat. Brev.* 71. *&* Co. *Lit.* 85. *b.* Car en veil temps a *Gayner* Terre fuit tant come le culture ou le manuring de ceo.

Hoblers.

Hoblers are mentioned in the Statute of 25 E. 3. Stat. 5. cap. 8. to be such men as by their Tenure are bound to keep a little Nag, to give notice of any Invasion, or other danger that happens near the Sea-side where they dwell.

Hoblers.

Hoblers sont mention en le Statute de 25 *E.* 3. *Stat.* 5. *cap.* 8. estre tiels queux p lour Tenure sont lies de maintainer un petit Chival, pur doner notice dl asc' Invasion ou aut' pil que happa prochein al Mere lou ils demurront.

Hoghenhine.

Hoghenhine, is he who comes Guest-wise to a house, and there lies the third night, after which time he is accounted one of his Family in whose house he lies; and if he offend the Kings Peace, his Host must be answerable for him. Bract. lib. 3. tract. 2. cap. 10. In the Laws of King Edward, set forth by Lambert, he is called Agenhine, where you may read more of this matter.

Hoghenhine.

Hoghenhine est celuy que vient a un meason en l' guise dun Guest, & la reposa l'tierce nuict, puis quel temps il est accompt un d son Familie en que meason il reposa; & sil offend le Peace l' Roy, son Host covient de respond p luy. *Bract. lib.* 3. *tract.* 2. *cap.* 10. En l'Leys d Roy *Edward*, edite p Monsieur *Lambert*, il est appell' *Agenhine*, ou vous poyes lier pluis de cest meistre.

Homage.

Homage in our Books is twofold. viz. Homagium ligeum, and that is as much as Ligeance, of which Bracton speaks, lib. 3. cap. 35. fol. 79. Soli Regi debetur fine Dominio seu Servitio. And the other is Homagium feudale, which hath his original by Tenure. In Fitzh. N. B. fol. 269.

Homage.

Homage en nostre Livres est deux-fold. Cest adire, *Homagium ligeum*, & c' est tant come ligeance, d q; *Bract.* parle, *l.* 3. *c.* 35. *f.* 79 *Soli Regi debetur fine Dominio seu Servitio* Et lauter est *Homagium Feudale*, q; ad son original p Tenure. En *Fitz. Nat. Brev. f.* 269. la

est

la eſt un Brief p̄ reſpecture de ceſt darreine *Homage*, que eſt due p̄ reaſon del Feud ou Tenure. Mes *Homagium ligeum* eſt inherent & inſeparable, & ne poit eſtre reſpectus.

Homagium ratione Feodi ſive Tenuræ eſt define deſtre un Service que ſerra fait en tiel manner: Le Tenant en fee ou fee-tail que tient per *Homage*, genulera ſur ambideux genus diſcincte, & le Seignior ſerra ſeare, & tiendra les maines ſon Tenant enter ſes maines, & le Tenant dira, *Jeo devigne voſtre home de ceſt jour en avant de vie & de member, & de terrene honour, & a vous ſerra foyall & loyall, & foy vous portera des Terres que jeo claime de ten' de vous, ſalve le foy que jeo doy a noſtre Seignior le Roy*: & donques le Seignior iſſint ſeant luy baſera.

Coñt *Fealtie* ſerra fait, Veies devant en *Fealtie*.

Le Seneſchal le Sñr poit p̄der *Fealty*, mes nemy *H mage*. Veies le Stat. 12 *Car.* 2. *cap.* 24.

there is a Writ for reſpiting this later Homage, which is due by reaſon of the Fee or Tenure. But Homagium ligeum is inherent and inſeparable, and cannot be reſpited.

Homage, by reaſon of Fee or Tenure is deſined to be a Service which ſhall be made in this manner: The Tenant in Fee or Fee-tail that holds by Homage, ſhall kneel upon both his knees ungirded, and the Lord ſhall ſit, and hold the hands of his Tenant between his hands, and the Tenant ſhall ſay, I become your man from this day forward of life and member, and of earthly honor, and to you ſhall be faithful and true, and ſhall bear to you Faith for the Lands that I claim to hold of you, ſaving that Faith I owe to our Lord the King: and then the Lord ſo ſitting ſhall kiſs him.

How Fealty ſhall be done, look before in Fealty.

The Steward of the Lord may take Fealty, but not Homage. See the Statute 12 Car. 2. cap. 24.

Homage aunceſtrel.

HOmage aunceſtrel eſt, lou un home & ſes Anceſtors d̄ temps dont memorie ne courge ont tenus le Terr̄ d̄l Seignior p̄ *Homage*. Et ſi tiel Sñr ad receive *Homage*, il eſt ten' d̄ acquiter le Tenant vers touts autres Seigniors paramount luy d̄ cheſcun man̄ Service. Et ſi l'Tenant ad fait Homage a ſon Sñr, & ſoit implead, & vouche le Seignior a Garrantie, le Seignior eſt tenus de luy garrant': & ſi le Tenant perde, il recovera en value vers ſon Seignior tant des Terres

Homage aunceſtrel.

HOmage aunceſtrel is, where a man and his Anceſtors time out of mind, held their Land of their Lord by Homage. And if ſuch Lord hath received Homage, he is bound to acquit the Tenant againſt all other Lords above him of every manner Service. And if the Tenant hath done Homage to his Lord, and is impleaded, and vouches the Lord to Warranty, the Lord is bound to warrant him: and if the Tenant loſe, he ſhall recover in value againſt the Lord ſo much of the Lands as

as he had at the time of the Voucher, or at any time after. Also if a man that holds his Land by Homage auncestrel alien the Lands in fee, then the Alienee shall do Homage to his Lord; but he shall not hold by Homage auncestrel, for that the continuance of the Tenancy in the Blood of the first Tenant is discontinued.

que il avoit al temps de la Voucher, ou unques puis. Auxy si home que tient sont Terre p *Homage auncestrel* alien l'Terr en fee, donques l'Alienee ferra Homage a son Seignior; mes il ne tiendra per Homage auncestrel, pur ceo que le continuance del Tenancie en le sanke dl primer Tenant est discontinue.

Homagio respectuando.

HOmagio respectuando is a Writ directed to the Escheatour, commanding him to deliver Seisin to the Heir of his Lands at his full age, although he hath not made his Homage. Of which see Fitzh. N. B. fol. 269. A.

Homagio respectuando.

Homagio respectuando est un Brief direct al Escheatour luy mandant pur deliver Seisin al Heire de ses Terres a son pleign age, coment que son *Homage* ne soit fait. De que veies *Fitzh. N. B. fol.* 269. *A.*

Homesoken.

HOmesoken, or Hamesoken, is, to be quit of Amerciaments for Entring into Houses violently and without licence, and contrary to the Peace of the King: And that you hold Plea of such Trespass done in your Court, and in your Land.

Homesoken.

Homesoken, ou *Hamesoken*, est quietum esse de Amerciamentis de Ingressu hospitiorum violenter & sine licentia, & contra pacem Dom̃ Regis: Et quod teneatis Placit' de hm̃di Transgres. facta in Curia vestra, & in Terris vestris.

Homicide, or Man-slaughter.

HOmicide, or Man-slaughter, is the Killing of a Man feloniously, without malice forethought. It is also defined thus, Homicide is the killing of a man by a man. But if it be done by a Dog, Ox, or other thing, it is not properly called Homicide. It is called Homicidium, ab homine & cælo, quasi Hominis cædium.

Homicide, ou *Manslaughter.*

Homicide ou *Manslaughter*, est l'*Occider* de un *home* feloniousment, sans malice prepense. Il est auxy define issint, *Homicidium est hominis occisio ab homine facta. Si autem a Cane, Bove, aut alia re fiat, non dicitur proprie Homicid'. Dicitur Homicidium ab homine & cædo, quasi hominis cædium.*

Homine capto in Withernamium.

*H*Omine capto in Withernam eſt un Brief d̄ ꝑnder luy que ad priſe aſcun Villaine ou Nief, & trahe luy ou el hors dl Countie, iſſint que il ou el ne poit eſtre replevie accordant al Ley. *Reg Orig. f. 79. a.*

Homine capto in Withernamium.

HOmine capto in Withernamium, is a Writ to take him that hath taken any Bond-man or Woman, and led him or her out of the County, ſo that he or ſhe cannot be replevied according to Law. Reg. Orig, fol. 79. a.

Homine replegiando.

*H*Omine replegiando eſt un Brief pur le bailer des homes hors del priſon. En queux caſes giſt, & en queux nemy, veies *Fitz. N. B. f. 66. E.* & veies hic Tit. *Replevin*, in fine.

Vide Replevin.

Homine replegiando.

HOmine replegiando is a Writ to deliver men out of Priſon upon Bail. In what caſes it lies, and in what not, ſee in Fitz. N. B. f. 66. E. and ſee here in the Title of Replevin in the end.

See Replevin.

Honour.

*H*Onour, pret' le geñal ſignification, eſt uſe ſpecialm̄t p̄ le pluis noble ſort de Seignorie, de que auter inferiour Seigniories ou Mannors dependant per performance des Cuſtomes & Services, un ou auter, al ceux que ſont Seigniours de ceux. Et ſemble q; la ſont nuls *Honours* forſq; ceux que originalment apperteinont al Roy; uncore ils poient en aps eſtre done en fee al Noblehomes. Le manner del Creation de ceux Honours poit en part eſtre collect hors des Statutes de *An.* 31 *Hen.* 8. *cap.* 5. lou *Hampton Court* eſt fait un *Honour*; & *Anno* 33 *ejuſd. cap.* 37. & 38. per que *Ampthil* & *Grafton* ſont auxy faits *Honours*; & *An.* 37 *ejuſd. cap.* 18. per que le Roy ad poyar done a luy per ſes Letters Patents de erecte quater ſeveral *Honours*, *Weſtminſter*, *Kingſton* ſur *Hull*, *S. Oſithes* en *Eſſex*, & *Dodington* en *Barkſhire*.

Honour.

HOnour, beſides the general ſignification, is uſed ſpecially for the moſt noble ſort of Lordſhips, whereof other inferiour Lordſhips or Mannors depend by performance of Cuſtoms and Services, ſome or other, to thoſe that are Lords of them. And it ſeems there are no Honours but thoſe which originally appertained to the King; yet they may afterward be given in Fee to Noblemen. The manner of Creating theſe Honors, may in part be collected out of the Statutes of Anno 31 Hen. 8. chapter 5. where Hampton Court is made an Honour; and Anno 33 ejuſd. cap. 37, & 38. whereby Ampthil and Grafton are likewiſe made Honours; and An. 37 ejuſd. cap. 18. where the King hath power given him by his Letters Patents to erect four ſeveral Honours, Weſtminſter, Kingſton upon Hull, S. Oſithes in Eſſex, and Dodington in Barkſhire.

Hornegeld.

Hornegeld.

HOrnegeld is, to be quit of certain Cuſtom exacted by Tillage through all the Land, of whatſoeber horn'd Beaſt.

Hors de ſon Fee.

HOrs de ſon Fee, is an Exception to avoid an Action for Rent iſſuing out of certain Land, by him who pretends to be the Lord, or for ſome Cuſtoms or Services; for if he can juſtifie that the Land is without the compaſs of his Fee, the Action falls. Broke hoc Tit. 7, 8. and 1 Inſtitut. 1. b.

Hoſpitallers.

HOſpitallers (Hoſpitularii) an Order of Knights firſt founded at Jeruſalem, and called the Joannites or Knights of St. John of Jeruſalem; and they were called Hoſpitallers, for that they built an Hoſpital at Jeruſalem for the entertainment of all ſuch as from any part of the world came to viſit the Holy places, and did guard and protect ſuch Pilgrims in their Journies. The Inſtitution of their Order was firſt allowed by Pope Gelaſius the ſecond, about the year 1118. And they had many Privileges granted them, as Immunities from payment of Tithes, &c. And for theſe they are often mentioned in our Books. You ſhall find their Priviledges reſerved to them in Magna Charta, cap. 37. And you ſhall ſee the Right of the Kings Subjects vindicated from the Uſurpation of their Juriſdiction by the Statute of Weſtm. 2. cap. 34. Their chief abode is now in the Iſland of Melita, commonly called Malta, given them by the Emperor Charles the Fifth:

Hornegeld.

HOrnegeld eſt, quietum eſſe d̄ quadam Conſuetud̄ exact̄ p̄ Tallagium p̄ totam Terram, de quacunq; Beſtia cornuta.

Hors de ſon Fee.

HOrs de ſon Fee eſt un exception pur avoider un Action pur Rent iſſuant hors del certein Terre, p̄ luy q; pretend de eſtre S̄nr, ou pur quelq; Cuſtoms ou Services; car ſi il poit juſtifie que le Terre eſt *hors de ſon Fee*, le Action moruſt. *Broke, hoc Tit.* 7, 8. *&* 1 *Inſtitut.* 1 *b.*

Hoſpitallers.

HOſpitallers (Hoſpitularii) un Order des Chivalers primes foundue al *Jeruſalem*, & appelles *Joannites* ou Chivalers d̄ S. *John de Jeruſalem*; & fueront appelles *Hoſpitallers*, p̄ ceo que ils edifie un Hoſpital al *Jeruſalem* p̄ l' interteinment de ceux que veignōt ds touts parts dl munde pur Viſiter les Sacred lieus, & ils guardōt & defend t̄iels Pilgrims en lour jōurnies. Le Inſtitution de ceſt Order fuit primes allow p̄ Pape *Gelaſius* 2. entour l'an 1118. Et ils avoient mults Privileges grantus as eux, come im̄unities dl pay-m̄t des diſmes, *&c.* Et p̄ ceux ils ſont pluſors foits m̄tions en noſtre Livers. Troveres lour Privileges as eux reſerves in *Mag. Char. c.* 37. Et poies veier l'Droit des ſubjects l' Roy vindicate dl Uſurpation de lour Juriſdiction per l' Statute *Weſtm.* 2. *cap.* 34. Lour chief Reſidence eſt ore en le Iſle de *Melita*, uſualment appel *Malta*, done as eux per l'Emperor *Charles* le cinquieſm̄:

Et p̄ ceo ſont appels ore *Chivalers d' Malta.* Touts les Terres & biens de ceux Chivalers icy en *Angle terre* fueront miſes en le diſpoſition le Roy, per le Stat. de 32 *H.* 8. *cap.* 24.

And for that they are now called Knights of Malta. All the Lands and Goods of these Knights here in England were put in the diſpoſition of the King by the Stat. of 32 H. 8. cap. 24.

Hoſtler.

Hoſtler eſt un Inholder. *Coke Entr.* 347.

Hoſtler.

Hoſtler is an Inholder. Coke Entr. 347.

Hotchpot.

Hotchpot eſt un Medling ou mixing enſemble, & un partition de Terres done en Frank-marriage, oveſq; auters Terr̄ ē Fee ſimple diſcendus. Pur example, Un hōe ſeiſie de 30 acres de Terre en Fee ad iſſue deux Files, & done oveſque un d' ſes Flies al un home que luy marrie, 10 acres de c' en Frank-marriage, & moruſt ſeiſie de les auters 20 acres. Ore ſi el que eſt iſſint marrie voilloit aver aſc' part d' les 20 acres d' que ſa Pere moruſt ſeiſie, el doit mit' ſes Terres done en Frank-marriage en *Hotchpot*, c' eſt adire, el doit refuſer d'prender les ſole Profits dl Terre dona en Frank-marriage, & ſuffer le Terre de eſtre commixt & mingle enſemble oveſque le aut' Terre de que ſa Pere moruſt ſeiſie, iſſint que un equal Diviſion poit eſtre fait d lentire p.renter luy & ſa Soer. Et iſſint p̄ ſa x acres el avera xv, autrement ſa Soer voit aver les xx acres de queux lour Pere moruſt ſeiſie.

Hotchpot, is a blending or mixing together, and a partition of Lands given in Frank-marriage, with other Lands in Fee-ſimple deſcended. For example, A man ſeiſed of thirty Acres of Land in Fee hath iſſue two Daughters, and gives with one of his Daughters, to a man that marries her, ten Acres of the ſame Land in Frank-marriage, and dies ſeiſed of the other twenty Acres. Now if ſhe that is thus married will have any part of the twenty Acres whereof her Father died ſeiſed, ſhe muſt put her Lands given in Frank-marriage in Hotchpot, that is, ſhe muſt refuſe to take the ſole Profits of the Land given in Frank-marriage, and ſuffer the Land to be commixt and mingled together with the other Land whereof her Father died ſeiſed, ſo that an equal Diviſion may be made of the whole between her and her Siſter. And thus for her x Acres ſhe ſhall have xv, elſe the Siſter will have the xx Acres of which their Father died ſeiſed.

Houſebote.

Houſebote eſt neceſſarie Meriſme q̄ le Leſſee pur ans ou pur vie, de common droit, poit prender ſur le

Houſebote.

Houſebote is neceſſary Timber that the Leſſee for years or for life, of common right may take upon the Ground, to repair

repair the Houſes upon the ſame Ground to him leaſed, although it be not expreſt in the Leaſe, and though it be a Leaſe by Word without Deed. But if he take more than is needful, he may be puniſhed by an Action of Waſte.

Hue and Cry.

HUe and Cry, is a purſuit of one having committed Felony by the High-way: for if the Party robbed, or any in the company of one that was murthered or robbed, comes to the Conſtable of the next Town, and wills him to raiſe Hue and Cry, or to make Purſuit after the Offendor, deſcribing the party, and ſhewing, as near as he can, which way he is gon; the Conſtable ought forthwith to call upon the Pariſh for aid in ſeeking the Felon; and if he be not found there, then to give warning to the next Conſtable, and he to the next to him, until the Offendor be apprehended, or at leaſt until he be ſo purſued to the Sea-ſide. Of this ſee Bract. lib. 3. tract. 2. cap. 5. Smith de Repub. Angl. lib. 2. cap. 20. and the Statute of Wincheſter, made Anno 13 E. 1. and the Statute of 28 E. 3. cap. 11. and An. 27 El. cap. 13.

Huers.

HUers. See Conders;

Hundred.

HUndreds were divided by King Alfred, after he had divided the whole Realm into certain parts or ſections, which of the Saxon word Scyran, ſignifying to cut, he termed Shires, or (as we yet ſpake) Shares and Portions.

Terre, a repairer les Meaſons ſur m̃ le Terre a luy leſſa, nient obſtant il ne ſoit expreſſe en le Leaſe, & nient obſtant il ſoit un Leaſe p̃ Parol, ſans Fait Mes ſi il priſt pluis q̃ beſoign, il poit eſtre puniſh p̃ un Action de Waſte.

Hue and Cry.

HUe & Crie, eſt un Purſuit de un aiant comẽt Felonie per le Haut chemin: car ſi le partie rob, ou aucun en l'cõpanie de un q; fuit murdr̃ ou rob, vient al Conſtable del pchein Ville, & luy commanda de faire *Hue & Crie*, ou de faire Purſuit puis l'Offendor, deſcribant le partie, & cy pres q̃ il poit, monſtrãs quel voy il eſt ale; le Conſtable doit immediatement de appeller ſur le Paroche p̃ aid en querance le Felon; & ſi il ne ſoit trove la, donq; de doner garrant al pchein Cõnſtable, & il ad prchein a luy, jeſq; le Offendor ſoit apprehend, ou al meins jeſq; il ſoit eſte purſue al latere de Mere. De ceo veies *Bract. l.* 3. *tr.* 2. *c.* 5. *Smith de Repub. Angl. l.* 2 *c.* 20. & le Statute de *Wincheſt.* fait *An.* 13 *E.* 1. & le Stat. de 28 *E.* 3. *c.* 11. & *An.* 27 *El. c.* 13.

Huers.

HUers. Veies *Conders.*

Hundred.

HUndreds fueront divide p̃ *Alfred* le Roy, apres q̃ il ad divide le entire Realm̃ en certain̄ pts ou ſections, le q'l d̃ le *Saxon* pol *Scyran*, ſignificat d̃ ſcinder, il terme *Shires*, ou (ſicõe nous uncor̃ple *Shares* & Portions.

Ceux *Shires* il auxy divide en Petits pts; d queux aſcuns fueront apelles *Lathes*, de le pol *Gelathian*, q̄ eſt de aſſembler enſemble: aut's *Tithings*, pur ceo q̄ la fuerōt en cheſc' de eux number d Dize pſons; d q; cheſc' fuit Suretie & Pledge pur auters bone behaviour: auters *Hundreds*, p̄ ceo que ils contain Juriſdiction ſur un Hundred hōes ou Pledges, dmurrāt padvent' en deux, ou trois, ou pluis Paroches, Boroughs, ou Villes, eſteant & adjoynant niens meins procheine enſemble, en le quel il appoint adminiſtration de Juſtice deſtre exerciſe ſeveralment enter eux demeſme le Hundred, & nemy q̄ l'un intra hors diſorderment en l'auter Hundred, Lathe, ou Tithing, en que il ne demurt.

Ceux *Hundreds* continue a ceſt jour en force, nient obſtant ne en tout al m̄ le purpoſe pur que al primer ils fueront ordeine, uncore a ore mult neceſſarie, & en temps de Peace pur boñ order de Governm̄t divers voies, & en Guerre p̄ certaintie de levying de hōes; come auterm̄t p̄ le pluis ſpeedie Collection des Payments grant en Parliament a les Roys de ceo Reamle.

These Shires be alſo divided into ſmaller Parts; whereof ſome were called Lathes, of the word Gelathian, which is to aſſemble together: others Tithings, becauſe there were in each of them to the number of Ten Perſons, whereof each one was Surety and Pledge for others good abearing: others Hundreds, becauſe they contained Juriſdiction over one Hundred Men or Pledges, dwelling peradventure in two, or three, or more Pariſhes, Boroughs, or Towns, lying and adjoyning nevertheleſs ſomewhat near together, in which be appointed Adminiſtration of Juſtice to be exerciſed ſeverally among them of the ſame Hundred, and not that one ſhould run out diſorderly into anothers Hundred, Lathe, or Tithing, wherein he dwells not.

These Hundreds continue to this day in force, although not altogether to the ſame purpoſe whereunto at firſt they were appointed, yet ſtill very needful, both in time of Peace for good order of Government divers ways, and in War for certainty of levying men; as alſo for the more ready Collection of Payments granted in Parliament to the Kings of this Realm.

Hamlet.

Hámlet, *Hamel* ou *Hampſel*, ſont diminutives del *Ham*, que ſignifie un Habitation.

Hamlet.

HAmlet, Hamel or Hampſel are diminutives of Ham, which ſignifies an Habitation.

Hundred-Lagh.

Hundredum-Lagh ſignifie le Hundred-Court, de quel touts les Officers dl Forreſt l'Roy fueront exempt per le Chartre de *Canutus*, *cap.* 9.

Hundred-Lagh.

HUndred-Lagh ſignifies the Hundred Court, from which all the Officers of the King's Forreſt were freed by the Charter of Canutus, cap. 9.

Hundre-

Hundredum.

HUndredum is, to be quit of Money or Customs to be paid to Governors and Hundredors.

Hundreders.

HUndreders, Hundredarii are men impaneled or fit to be impaneled on a Jury upon a Controversy, dwelling in the Hundred where the Land in question lies, Cromp. Jur. 217. & 35 H. 8. c. 6. It also signifies him that hath the Jurisdiction of an Hundred, and holdeth the Hundred Court: And sometimes it is taken for the Bailiff of an Hundred, Horn's Mirrour of Just. Lib. 1. cap. Office del Coroner.

Hurst.

Hurst is a little Wood.

Husfastene.

HUsfastene (quasi Domi fixus) is he that holds House and Land. Bract. lib. 3. tract. 2. c. 10.

Hustings.

HUstings (Hustingum) is a Court of Common-Pleas held before the Major and Aldermen of London, and it is the highest Court they have, for Error or Attaint lies there of a Judgment or false Verdict in the Sheriffs Court, as it appears by Fitz N. B. 22. H. &c. and the Statute of 11 H. 7. cap. 21. And other Cities and Towns have had a Court of the same name, as Winchester, Lincoln, York, and Sheppy. So called from the Saxon Hus, Domus, and Thing, Causa; quasi, Domus Causarum

Hydegild.

HYdegild, is a price or ransom to be paid for the saving of his Skin from being beaten.

Hythe.

HYthe is a Port or Haven to imbark or land Merchandise, as Queen hithe, Lambhythe, &c.

Hundredum.

H*Undredum* est, quietum esse de Denariis vel Consuetudinibus faciendis Præpositis & Hundredariis.

Hundreders.

H*Undreders, Hundredarii*, sont Homes empanel ou apt de estre empanel en un Jury sur un Controversy, demurrant en le *Hundred* lou le terre en question gist, *Cromp. Jur.* 217. & 35 *H.* 8. *c.* 6. Auxi il signifie celuy que avoit le Jurisdiction de un *Hundred*, & tient le *Hundred* Court: Et ascun foits il est prist pur un Bailiff de un *Hundred*. *Horn's Mirrour de Just. l.* 1. *c. Office del Coroner.*

Hurst.

Hurst, est un petit Bosc.

Husfastene.

H*Usfastene* (*quasi Domi fixus*) est il q̄ tient Meason & Fre. *Br. l.* 3. *tr.* 2. *c.* 10.

Hustings.

H*Ustings* (*Hustingium*) est un Court de Common-Plees tenus devant le Maior & Aldermen de *Londres*, & est le plus hault Court que ils ont, car Error ou Attaint gist la dun Judgement ou faux Verdict en le Court le Viscount, come appiert per *Fitzh. N. B.* 22. *H &c.* & p le Statute de 11 *H.* 7. *c.* 21. Et auters Cities & Boroughs ōt ew un Court de m̄ le nom̄, cōe *Wincheſter*, *Lincoln*, *York*, & *Sheppy*. Isſint appel' d̄ le *Saxon Hus*, *Domus*, & *Thing*, *Cauſa*; *quaſi*, *Domus Cauſarum*.

Hydegild.

H*Ydegild* est un price ou ransom de estre pay pur le salver de son pel de estre batus.

Hythe.

H*Ythe* est un Port ou petit Haven al embarker ou mitter Merchandize sur le terre, come *Queen-hithe*, *Lambhythe*, &c.

I.

Idemptitate, ou *Identitate nominis.*

IDemptitate nominis eſt un Brief q̄ giſt lou Brief de Det, Covenant, Accompt, ou tiel ſemblable Brief eſt port vers un home, & un auter que ad meſme le noſme ove le Defendant eſt pris pur luy; donques il avera ceſt Brief, per que le Viſcount ferra inquirie devant le Juſtice aſſigné in meſme le Countie, ſi ſoit meſme le pſon ou nemy; & ſil ne ſoit trove le partie, donques il alera ſans jour en peace.

Ideot.

IDeot eſt celuy que eſt un Sot natural de ſa neiſtre, & ne ſcavoit d' accompter xx d. ou noſme de ſon Pere ou Mere, ne de quel age luy meſme eſt, & ou tiel ſemblable plain common choſes, iſſint q' il appiert que il nad aſcun maner d' Intendment, reaſon, ou governm̄t d luy meſm̄. Mes ſi il poit lier, ou apprehender de lier p̄ inſtruction & information des auters, ou poit meaſure un Ulne de drape, ou noſme les Jours en le ſemaigne, ou engend un Enfant, ou tiel ſemblable, p̄q̄ il poit appear que il ad aſc' lumen de Reaſon; tiel neſt *Ideot* naturalmēt.

Ideota inquirenda vel examinanda.

IDeota Inquirenda eſt un Brief direct al Viſcount del Country de amener devent luy le Perſon ſuſpect de *Ideocy*, & al examiner luy ſur le ſtrement de 12 homes, ſi il avoit ſufficient

I.

Idemptitate, *or* Identitate nominis.

IDemptitate nominis, is a Writ that lies where a Writ of Debt, Covenant, or Account, or ſuch other Writ is brought againſt a Man, and another that hath the ſame name with the Defendant, is taken for him; then he ſhall have this Writ, by which the Sheriff ſhall make Inquiry before the Juſtice aſſigned in the ſame County, if he be the ſame perſon or not; and if he be not found to be the party, then he ſhall go without day in peace.

Ideot.

IDeot is he that is a Natural Fool from his Birth, and knows not how to count Twenty pence or name his Father or Mother, nor tell his own Age or ſuch like eaſie and common matters, ſo that it appears he hath no manner of Underſtanding, Reaſon, or Government of himſelf. But if he can read, or learn to read by inſtruction and information of others, or can meaſure an Ell of Cloth, or name the Days of the Week, or beget a Child, or ſuch like, whereby it may appear he hath ſome light of Reaſon; ſuch a one is no Ideot naturally.

Ideota inquirenda vel examinanda.

IDeota inquirenda is a Writ directed to the Sheriff of the County, to call before him the party ſuſpected of Ideory, and examine by the Oath of twelve Men, whether he have ſufficient

Wit

wit to diſpoſe of his own Lands, and to certify this into the Chancery: For the King hath power by his prerogative, to diſpoſe of his Subjects Eſtates who are defective in their Underſtandings, 17 Ed. 2. c. 9. Reg. of Writs 207.

intellect a diſpoſer ſon Terres demeſne, & a certifier ceo en le Chancery. Car le Roy avoit poyer per ſon prerogative a diſpoſer des Eſtates de ſon Subjects que ſont defective en lour Intellects. 17 *Ed.* 2. *c.* 9. *Reg. del Br.* 207.

Jeofaile.

JEofaile is, when the parties to any Suit in pleading have proceeded ſo far that they have joyned Iſſue, which ſhall be tried, or is tried by a Jury or Enqueſt; and this pleading or Iſſue is ſo badly pleaded or joyned, that it will be Error if they proceed: then ſome of the ſaid parties may by their Councel ſhew it to the Court, as well after Verdict given and before Judgment, as before the Jury is charged. And the Councel ſhall ſay, This Enqueſt ye ought not to take. And if it be after Verdict, then he may ſay, To Judgment you ought not to go. And becauſe ſuch Niceties occaſioned many Delays in Suits, divers Statutes are made to redreſs them, as well in the time of King H. 8. an 32. c. 30. as of Queen Eliz. whereof we may ſay as the Civilians, That although *Conſtantine* the Emperor commanded the forms of the Law to be cut off, yet the daily uſe of Pleading doth ſeem again to recall them, or rather, ſome of them increaſe as the Heads of *Hydra*. See alſo now a new Statute of Jeofailes, made in 21 Jac c. 13.

Jeofaile.

J*Eofaile* eſt, quant les parties al aſcun Suit en pleadant ont a tant pceed que ils ayant joyne Iſſue, quel ſerra trie, ou eſt trie p̄ un Jurie ou Enqueſt; & cel Pleading ou Iſſue eſt cy malement plede ou joyne, que il ſerra Error ſi eux pceed: donque aſcun del dits parties poit per lour Councel monſtre c' al Court, auxy bien apres Verdict done & devant Judgment, come devant le Jurie ſoit charge. Et le Councel dirra, *Ceſt Enqueſt ne doit prend'*. Et ſi ſoit apres Verdict, donques il poit dire, *al Judgment ne deves aler.* Et p̄ ceo que p̄ tiels nicetie mults delaies fueront en Suits, divers Statutes ſ̄nt faits de redreſſer ceo, auxy bien en temps d̄ Roy *H* 8. *an.* 32. *c.* 30. come en le temps le Roigne *Eliz.* de queux come poit dire cō̄e les Civilians, *Quod tametſi Juris formulas amputari juſſerit* Conſtantinus *Imperator, quotidianus tamen forenſis uſus eas revocaſſe videtur, vel potius, quod creſcunt ut* Hydræ *capita.* Veies auxy ore un novel Statute de *Jeofailes*, fait en 21 *Jac. c.* 13.

Jetſam.

JEtſam is, when a Ship is in Danger to be caſt away, and to disburthen the Ship, the Mariners caſt the Goods into

Jetſam.

J*Etſam* eſt, quant un Nieſe eſt en peril deſtre merge, & p̄ disburden le Nieſe les Mariners *jetta* les biens en le Mer:

&

& puis nient obſtant le Niefe periſh, nul d̄ ceux biens que ſont appel *Jetſam*, *Floatſam*, ou *Lagan*, ſont appel *Wreck*, cy long come ils remain en ou ſur le Mer; mes ſi aſc' d' eux ſont miſe al tr̄e p̄ l'Mer, donq; ils ſerront dit *Wreck*, & paſſe p̄ le graunt d̄ *Wreck*. *Coke*, *l.* 5. *f.* 106.

the Sea: and although afterward the Ship periſh, none of thoſe goods called Jetſam, Floatſam, or Lagan, are called Wreck, as long as they remain in or upon the Sea; but if any of them are driven to Land by the Sea, there they ſhall be reputed Wreck, and paſs by the grant of Wreck. Coke, l. 5. f. 106.

Jettezoons.

JEttezoons, ceo eſt mention ē Policies d' Inſurance, & ſignifie biens eject en le mere, en un grand ſtorm.

Jettezoons.

JEttezoons, This is mentioned in Policies of Inſurance, and ſignifies Goods thrown into the Sea in a great Storm.

Illoyal Aſſembly.

ILloyal Aſſemblie eſt, lou people eux aſſemble inſimul p̄ faire illoyal choſe enconter le Peace, nient obſtant que ils ne execute lour purpoſe en fait.

Unlawful Aſſembly.

UNlawful Aſſembly is, where people aſſemble themſelves together to do ſome unlawful thing againſt the Peace, although they execute not their purpoſe in deed.

Imparlance.

IMparlance. Veies *Emparlance.*

Imparlance.

IMparlance. See Emparlance.

Imparſonee.

IMparſonee, come Parſon imparſonee eſt celuy que eſt induct & en poſſeſſion de un Benefice.

Imparſonee.

IMparſonee, as Parſon imparſonee is he that is inducted and in poſſeſſion of a Benefice.

Impeachment de Waſte.

IMpeachment de Waſte (*Impetitio Vaſti*) eſt tant adire come un Demand fait ou deſtre fait p̄ Waſte fait p̄ un Tenant q; nad forſq; un particular Eſtate p̄ vie ou p̄ ans. Et p̄ ceo ceſtuy que ad tiel Leaſe *ſans Impeachment de Waſte*, ad p̄ ceo un propertie ou intereſt a luy done ē leas Meaſons & Arbres, & poit faire Waſte en eux ſans eſtre *impeach* p̄ ceo, ceſtaſcavoir, ſans eſtre queſtion ou aſ-

Impeachment of Waſte.

IMpeachment of Waſte (Impetitio Vaſti) is as much as to ſay as a Demand made or to be made of Recompence for Waſte done by a Tenant that hath but a particular Eſtate for Life or Years. And therefore he that hath ſuch a Leaſe without Impeachment of Waſte, hath by that a property or intereſt given him in the Houſes and Trees, and may make waſte in them, without being impeached for it, that is, without being queſtioned

stioned or demand of any recompence for the Waste done. See Coke, l. 11. Bowles Case, f. 82. b.

cun Recompence d luy demand p̄ le Waste fait. Veies *Coke, l. 11. en Bowles Case. f. 82. b.*

Implead.

IMplead cometh from the French Word Plaider, and signifieth to sue, arrest, or prosecute by due Course of Law.

Implead.

I*Mplead* vient del Francois parol *Plaider*, & signifie de suer, arrester ou prosecuter per due course del Ley.

Implements.

IMplements comes either from the French Word (Employer, to imploy) or from the Latine (Implere, to fill up) and is used for things of necessary use in any Trade or Mystery, which are imployed in the Practice of the said Trade, or without which the Work cannot be accomplished. Also for Furniture with which the House is filled. And in that sense you shall find the Word often in Wills and Conveyances of Moveables.

Implements.

I*Mplements* venust ou del parol *Francois* (*Employer*) ou del *Latine* (*Implere*) & est use p̄ choses necessarie destre use en alc' Trade ou Mysterie, queux sont *imployes* en le practice del dit Trade, ou sans queux l'ouvrage ne poit estre accomplish. Auxy p̄ le Furniture quibus *impletur* Domus. Et en ceo sense vous troveres le parol plusors foits ē darreine Volunts & auters Conveyances des Moveables.

Impost.

IMpost is a French Word that signifies Tribute, but with us it is taken for the Tax that is paid the King for any Merchandise brought into any Haven from Places beyond the Seas. And it is used in the Statute of 31 Eliz. c. 5. as a Word of the same Signification with Custom which Merchants pay.

Impost.

I*Mpost* est un parol *Francois* q̄ signifie Tribute, mes ove nous est prise pur le Tax pay al Roy pur ascun Merchandise emport en ascun Havre hors des lieus ouster le Mer. Et est use en le Statute de 31 *Eliz. cap.* 5. come un Synonymon ove *Custome* que Merchants payont.

Imprisonment.

IMprisonment is the Restraint of a Mans Liberty, whether it be in the open Field, or in the Stocks or Cage in the Streets, or in a Mans own House, as well as in the common Goal. And in all these Places the Party so restrained is said to be a Prisoner, so long as he hath not his Liberty freely to go at all

Imprisonment.

I*Mprisonment* est le Restraint del Libertie d'un home, soit c' ē l'overt Champs, ou en le Cippes ou Cage en les Streets, ou en le poper Meason d'un home, cybien cōe en le common Goal. Et en touts ceux lieus le partie issint restrain est dit destre un *Prisoner*, cy longement come il nad

son

ſon Libertie frankm̃t d'ire a touts tẽps & lieus lou il voit, ſans Baile ou Mainpriſe.

Impropriation.

IMpropriation eſt properment quant le Advowſon eſt en les mains d'un Lay-home, & Appropriation quant en les mains d'un Eveſque, College, *&c.* Ils ſont en Angleterre 3845 Impropriations.

Incident.

INcident ſignifie un choſe neceſſairement dependant ſur un auter come pluis principal; ſicome un Court-Baron eſt iſſint incident al un Manour, & Court de Pipowders al un Fair que ils ne poent eſtre ſever per Grant; car ſi un Manour ou Fair ſont grant, ceux Courts ne poent eſtre ſever, *Kitch.* 36. *Co. Lit.* 151.

Incumbent.

INcumbent venuſt del *Latine* (*Incumbere*) & ſignifie ceſtuy que eſt pſent, admit, & inſtitute al aſcun Eſgliſe ou Benefice ove Cure; que eſt p̃ cep appel l' *Incumbent* de ceo Eſgliſe, eo quod *incumbit* ad Curam animarum ibid. omni ſtudio.

Indicavit.

INdicavit eſt un Bre ou Prohibition q̃ giſt p̃ un Patron d'un Eſgliſe, quel Clerk eſt Defendant en Court-Chriſtian ẽ un Action p̃ Tithes, cómmence p̃ un aut' Clerk, & extendant al quart part del Eſgliſe, ou ſes Tithes; en quel caſe le Suit appertein al Court

Impropriation.

IMpropriation is properly ſo called, when the Advowſon is in the Hands of a Layman, and Appropriation, when in the Hands of a Biſhop, College, &c. There are in England 3845 Impropriations.

Incident.

INcident ſignifies a thing neceſſarily depending upon another as moſt principal; as for example, a Court Baron is ſo incident to a Manor, and a Court of Pipowders to a Fair, that they cannot be ſevered by Grant; for if a Manor or Fair be granted theſe Courts cannot be ſevered, Kitch. 36. Co. Lit. 151.

Incumbent.

INcumbent comes of the Latine (Incumbere) and ſignifies him that is preſented, admitted and inſtituted to any Church or Benefice with Cure: who is therefore called the Incumbent of that Church, becauſe he doth bend all his ſtudy to the diſcharge of the Cure there.

Indicavit.

INdicavit is a Writ or Prohibition that lies for the Patron of a Church, whoſe Clerk is Defendant in Court-Chriſtian in an Action for Tithes, commenced by another Clerk, and extending to the fourth part of the Church, or of its Tithes: in which Caſe the Suit belongs

to

to the King's Court, by Weſtm. 2. c. 5. Wherefore the Defendants Patron (being like to be prejudiced in his Church and Advowſon, if the Plaintiff obtain in the Court-Chriſtian) has this means to remove it to the King's Court. Reg. orig. fol. 35. and Britton c. 109. This Writ is not returnable; but if they ceaſe not their Suit, he ſhall have an Attachment.

le Roy, p *Weſtm. 2. c. 5.* Et p ceſt cauſe le Patron del Defendant (eſteant en pil deſtre pjudice en ſon Eſgliſe & Advowſon, ſi le Plaintiſe gaine ē le Court-Chriſtian) ad cel means a remover ceo al Court de Roy, *Reg orig. f. 35,& Brit. c. 209.* Ceſt Brief neſt retornable; mes ſils ne ceſſont lour Suit, il avera un Attachment.

Inditement.

INditement. See Endlitement.

Inditement.

I*Ndictment.* Veies *Enditement.*

Indorſement.

INdorſement is that which is written upon the Back of a Deed, as the Condition of the Obligation is ſaid to be indorſed, becauſe it is commonly written on the Back of the Obligation.

Indorſement.

I*Ndorſement*, eſt c' q̄ èſt eſcr̄ ſur le *Dorſe* d'un Eſcript; come le Condition d'un Obligation eſt dit deſtre *indorſe*, p̄ ceo q; eſt communm̄t eſcrie ſur le Dorſe del Obligation.

Induction.

INduction is a Lay act made by precept of the Ordinary, by which, actual Poſſeſſion of the Church is given to the Rector or Vicar after his Preſentation and Inſtitution to it.

Induction.

I*Nduction* eſt un lay act fait per precept del Ordinary p quel Actual poſſeſſion de Eſgliſe eſt done al Rector ou Vicar puis ſon Preſentation & Inſtitution a ceo.

Infangtheef.

INfangtheef is a Pribilege or Liberty granted to Lords of certain Mannors, to judge any Thief taken within their Fee.

Infangtheef.

I*Nfangtheef* eſt un Privilege ou Liberrie concede al Sñrs del certein Mannors, p̄ juger aſcun Larons priſe deins lour Fee.

Information.

INformation for the King is that which for a common perſon is called a Declaration; and is not always done directly by the King or his Attorney, but rather by ſome other Man, who ſues as well for the King as for himſelf, upon the Breach of ſome penal Law or Statute, wherein a Penalty is given to the Party

Information.

I*Nformation* pur le Roy eſt ceo q̄ p̄ un comon pſon eſt appel un *Declaration*; & neſt routs foits fait directm̄t p le Roy ou ſon Attorney, mes p un auter home, *qui tam pro Domino Rege quam pro ſeipſo ſequitur*, ſur le breach d'aſcun penal Ley ou Statute, en que un Penaltie eſt done al partie

partie que voit ſuer pur ceo ; mes nul Action de Det p̄ recover c', donque il doit eſtre ew per *Information.*

that will ſue for the ſame; but no Action of Debt to recover it, therefore it muſt be had by Information.

In groſſe.

IN groſs eſt ceo que eſt abſolute & independent, apperteinant al Perſon, & nemy al Manour ou Terres, come Villain in groſſe, Advowſon en groſſe, &c. *Co Lit.* 120. *b.*

In groſſe.

IN groſſe is that which is abſolute and independing, belonging to the Perſon, and not to a Manour or Lands, as a Villain in groſſe, an Advowſon in groſſe, &c. Co. Lit. 120. 6.

Ingroſſer.

I*Ngroſſer* venuſt del parol *Francois Groſier*, id eſt, Solidarius venditor. Mes en nr̄e Ley un *Ingroſſer* eſt un q; achate Blees, Graine, Butre, Formage, Poiſſon, ou auter mort Victuals, ove un intent p̄ ceux vend arrere. Et iſſint il eſt deſine en le Stat. de 5 E. 6 c. 14. fait encounter tiel *Ingroſſer.* Eſt auxi un Clerk qui eſcrit Records ou Inſtruments del Ley.

Ingroſſer.

INgroſſer comes of the French Word Groſier, that is, one that ſells by Whole-ſale. But in our Law an Ingroſſer is one that buys Corn, Grain, Butter, Cheeſe, Fiſh, or other dead Victuals, with an intent to ſell the ſame again. And ſo he is deſined in the Stat. of 5 E. 6. c. 14. made againſt ſuch Ingroſſing. It is alſo a Clerk who writes Records or Inſtruments of Law.

Inheritance.

I*Nheritance.* Veies *Enheritance.*

Inheritance.

INheritance. See Enheritance.

Inhibition.

I*Nhibition* eſt un Br̄e d' inhibir' un Judge de p̄ceder ouſter en le Cauſe dependant devant luy.

Et eſt auter Brief lou puis Preſentment le Roy al Benefice il preſent auter & inhibite l' Eveſque a faire Induction al primer Preſentee. *Plo. Com.* 528. Veies *F. N B. f.* 39. ou il mitta *Prohibition* & *Inhibition* enſemble. *Inhibition* eſt pluis communement un Br̄e iſſuant hors d'un pluis haut Court-Chriſtian a un pluis baſe & an

Inhibition.

INhibition is a Writ to inhibit a Judge to proceed farther in the Cauſe depending before him.

And there is another Writ, where after the King's Preſentment to a Benefice, he preſents another, and inhibiteth the Biſhop to give Induction to the firſt Preſentee. Plo. Com. 528. See F. N. B. f. 39. where he puts Prohibition and Inhibition together. Inhibition is moſt commonly a Writ iſſuing forth of an higher Court-Chriſtian to a lower and inferiour, upon

an Appeal, Anno 24 H. 8. c. 12. and Prohibition out of the King's Court of Record at Weſtminſter to a Court-Chriſtian, or to an inferiour Temporal Court.

Injunction.

INjunction is an interlocutory Decree out of the Chancery, ſometimes to give Poſſeſſion to the Plaintiff for Defect of Appearance in the Defendant; ſometimes to the ordinary Courts of the King, and ſometimes to the Court-Chriſtian, to ſtay Proceeding in a Cauſe upon Suggeſtion made, that if the Rigor of the Law take place, it is againſt Equity and Conſcience in that Caſe. See Weſt, part. 2. tit. Proceedings in Chancery, Sect. 25.

Inlagary

INlagary or Inlagation, is a Reſtitution of one outlawed to the King's Protection, or to the benefit & condition of a Subject.

Inlaugh

INlaugh ſignifies him that is ſub Lege, in ſome Frank-Pledge, not out-lawed; of whom ſee Bract. l. 3. tract. 2. c. 11.

Inmates.

INmates are thoſe Perſons of one Family that are ſuffered to come and dwell in one Cottage together with another Family, by which the Poor of the Pariſh will be increaſed. And therefore by the Statute of 31 Eliz. c. 7. there is a Penalty of Ten Shillings a Month ſet upon every one that ſhall receive or continue ſuch an Inmate.

inferior, ſur un Appeal, *Anno* 24 H. 8. *c.* 12. & *Prohibition* hors del Court le Roy de Record al *Weſtminſter* a un Court-Chriſtian, ou a un inferior Court Temporal.

Injunction.

INjunction eſt un interlocutorie Decree hors del Chācerie, aſcun foits a done Poſſeſſion al Plantife pur defect de Apparance en le Defendant, aſc' foits al ordinaire Court del Roy, & aſcun foits al Court-Chriſtian, d'eſtop Proceding en un Cauſe ſur ſuggeſtion fait, q̄ ſi le rigour del Ley prend lieu, eſt encounter Equitie & Conſcience en cel Caſe. Veies *Weſtm. part.* 2. *tit. Proceedings in Chancerie, ſect.* 25.

Inlagarie.

INlagarie ou *Inlagation* eſt le Reſtitution d'un Utlawe al Protection del Roy ou al benefit ou condition d'un Subject.

Inlaugh.

INlaugh ſignifie luy que eſt *ſub Lege*, en quelque Frankplege, nemy utlaw; d quel veies *Bract. l.* 3. *tract.* 2 *c.* 11.

Inmates.

INmates ſont ceux perſons d'un Familie q; ſont ꝑmittes ꝑ vener & inhabiter en un Cottage enſemble ove un auter Familie, per q̄ les povers del Pariſh ſerront increaſe. Et ꝑ ceo per le Statute de 31 *Eliz. c.* 7. la eſt un Penaltie d dize ſouls ꝑ mois impoſe per cheſcun que receivera ou continuera tiel *Inmate.*

Inon-

Innoteſcimus.

INnoteſcimus ſont Letters Patent iſſint appel, queux ſont touts foits de un Charter de Feofment, ou aſcun auter Inſtrument nient de Record, iſſint dit del parols en le concluſion, *Inſpeximus per preſentes*; Et ceo nient differ del un Vidimus. 5 Co. *Page's Caſe.*

Innoteſcimus.

INnoteſcimus are Letters Patent ſo ſtiled, which are always of a Charter, Feofment, or ſome other Inſtrument not of Record, ſo called from the Words in the Concluſion, Inſpeximus per præſentes. And do not differ from a Vidimus. 5. Co. Page's Caſe.

Inquiſition.

INquiſition. Veies *Enqueſt.*

Inquiſition.

INquiſition. See Enqueſt.

Inrolment.

INrolment eſt le Regiſter, Recorder, ou Entrer d'aſc' Act ou Fait en le Chancerie ou auters, come d'un Recogniſance, Fine, Statute, on Fait indent p le Statute de 27 *H.* 8. *c.* 16. per q̃ un Frank-tenement paſſera.

Inrolment.

INrolment is the Regiſtring, Recording, or Entring of any Act or Deed in the Chancery, or elſewhere, as of a Recognizance, Fine, Statute or Deed invented by the Statute of 27 H. 8. c. 16. by which a Freehold ſhall paſs.

Inſpeximus.

INſpeximus ſont Letters Patent, iſſint dit pur ceo que comẽce puis le Title le Roy ove ceux parols Inſpeximus; & eſt tout un ove Exemplification. Co. 5. *Rep. Page's Caſe.*

Inſpeximus.

INſpeximus are Letters Patent, ſo called becauſe they begin after the Title of a King with theſe Words, Inſpeximus: and are the ſame with an Exemplification. Co. 5. Rep. Page's Caſe.

Inſtant.

INſtant (en *Latine*, *Inſtans*) eſt define p les Logicians, *Unum indiviſible in Temp'*, *quod non eſt Tempus, nec pars Temporis, ad quod tamen partes Temporis copulantur*, & mult conſider en Ley: & coñt ne poit actualment eſtr̃ divide, uncore en conſiderat' & conceit il poit eſtre divide, & apply al ſeveral purpoſes, ſicome fueront ſeveral temps; de quel veies en *Plowden's*

Inſtant.

INſtant (in Latin Inſtans) is defined by the Logicians, A thing not dividable in Time, which is not any Time, nor part of Time, to which yet the parts of Time are conjoyned, and much conſidered in the Law: and though it cannot be actually divided, yet in conſideration and conceit it may be divided and applied to ſeveral purpoſes, as if they were ſeveral times; whereof ſee in Plowden's Commontaries

Commentaries in the Caſe between Fulmerſton and Stuard, where the Statute of 31 H. 8. (which Enacted, That if an Abbot within a year before the Statute had letten Lands to one, who at the time of making that Leaſe had the ſame Land to farm for a term of years, then not expired, that the Leſſee ſhould have that Land only for twenty one years) is expounded.

And there it is debated, That when the Termor takes the ſecond Leaſe, he ſurrenders his former term; and ſo at the ſame inſtant of taking the ſecond Leaſe, the former term is expired. And in the Caſe between Petit and Hales, he who kills himſelf, commits not Felony till he be dead, and when dead, he is not in being ſo as to be termed a Felon, but at the inſtant is in the Law ſo adjudged.

And there are many other Caſes in Law, where the inſtant time, that is not dividable in nature, in the conſideration of the mind and underſtanding of the Sages of the Law is divided; upon which ariſe many arguments of great uſe and profound learning.

Inſtitution.

INſtitution, is a Faculty made by the Ordinary, by which a Vicar or Rector is approved to be Inducted to a Rectory or Vicarage.

Inſuper.

INſuper is a word uſed by the Auditors in their Accounts in the Exchequer, when they ſay, ſo much remains inſuper to ſuch an Accountant, i. e. ſo much remains due upon ſuch an account. Stat. 21 Jac. cap. 2.

Commentaries en le Caſe enter *Fulmerſton* & *Stuard*, lou le Statute 31 *H.* 8. (que enact, Que ſi Abbe deins an devant ceſt Statute leſſa Terre al un, que āl temps del feaſance de meſme le Leale eyt meſme le Terre al ferme pur terme de ans, donque nient expire, que le Leſſee avera ceſt Terre ſolement pur vint un ans) eſt expound.

Et la eſt debate, Que quant Termor prent le ſecond Leaſe, il ſurrender ſon form' terme, & ſic al meſme temps del priſel del ſecond Leaſe le former terme eſt expire. Et en le Caſe enter *Petit* & *Hales*, ceſtuy que occide luy meſme, tanque ſoit mort ne feſoit Felonie, & quant fuit mort, ne eſt en eſſe, iſſint que poit eſtre dit Felon, mes al *inſtant* eſt en Ley adjudge Felon.

Et ſont mults Caſes en Ley, lou l' *inſtant* temps, que eſt indiviſible en nature, en conſideration del ment & intendment del Sages del Ley eſt divide; ſur queux ſurde mults arguments de grand uſe & profound learning.

Inſtitution.

INſtitution eſt un Faculty fait p l' Ordinarie per quel un Vicar ou Rector eſt approve de eſtre induct al Rectoie ou Vicarage.

Inſuper.

INſuper eſt un parol uſe per les Auditors en lour Accounts en le Exchequer, quand ils dient tant remain inſuper a tiel Accountant, *i. e.* tant remain due ſur tiel Account. *Stat.* 21. *Jac. cap* 2.

Intercommoning.

INtercommoning eſt lou les Cõmons de deux Manours giſont cy pres que les Inhabitants de ambideux ont temps de ont memory depaſture leur Avers enſemble.

Interdiction.

INterdiction ad le mẽ ſignification en le Comon cõe en le Canon Ley, ou il eſt iſſint deſine, *Interdictio eſt Cenſura Eccleſiaſtica prohibens adminiſtrationem Divinorum.* Et iſſint il eſt uſe, 22 *H.* 8. *c.* 12.

Intereſt.

INtereſt eſt cõmunement priſe pur un Term ou real Chattel; mes pluis particularment pur un Term a venir, & en pleading eſt dit de eſtre poſſeſs *de intereſſe termini.* Mes ſtrictment en un legal ſenſe il ſignifie le Eſtate, droit ou title que aſcun aveit al ou hors de Terres. *Co. Lit.* 345. *b.*

Inteſtates.

INteſtates ſont de deux ſorts; 1. Ceux que font nul Teſtaments. 2. Ceux que font Teſtaments, & noſmont Executors, mes ils refuſe, en quel caſe il eſt dit de morer inteſtate, & le Ordinary poet cõmit Adminiſtration. *Co* 2. *Inſt.* 397.

Intruſion.

INtruſion eſt un Brief que giſt vers celuy que enter apres le mort Tenant en Dower, ou aſcun auter Tenant pur vie, & tenuſt hors celuy en le Reverſion ou Remainder. Veies p̃ ceo *Fitz. N. B fol.* 203. *E.* Et cheſcum Entry ſur le poſſeſſion le Roy eſt appel un *Intruſion*; come lou le Heir le Tenant le Roy enter apres Office, & devant Livelie, ceo eſt dit un *Intruſion* ſur

Intercommoning.

Intercommoning is where the Commons of two Mannors lie ſo near, that the Inhabitants of both have time out of mind depaſtured their Cattel promiſcuouſly.

Interdiction.

INterdiction has the ſame ſignification in the Common as in the Canon Law, where it is thus deſined, Interdiction eſt Cenſura Eccleſiaſtica prohibens adminiſtrationem Divinorum. And ſo it is uſed, 22 H. 8. cap. 12.

Intereſt.

INtereſt is vulgarly taken for a Term or real Chattel; but more ſtrictly for a future Term, and in pleading he is ſaid to be poſſeſſed de intereſſe termini. But more ſtrictly in a legal ſenſe it ſignifies the Eſtate Right or Title which any one hath to or out of Lands. Co. Lit. 345. b.

Inteſtates.

INteſtates are of two ſorts; 1ſt, Thoſe which make no Wills. 2d. Thoſe which make Wills, and name Executors but they refuſe, in which caſe he is ſaid to die Inteſtate, and the Ordinary may commit Adminiſtration. Co. 2. Inſt. 397.

Intruſion.

INtruſion is a Writ that lies againſt him that enters after the death of Tenant in Dower, or other Tenant for Life, and holds out him in the Reverſion or Remainder; for which ſee Fitz. N. B. fol. 203. E. And every entry upon the poſſeſſion of the King is called an Intruſion; as where the Heir of the King's Tenant enters after Office, and before Livery, this is called an Intruſion upon the

the King, as appears in Stanf. Prerog. fol. 40. and many other Books.

Inventary.

AN Inventary is a Catalogue or Recital in Writing of all the Goods and Chattels of one that is dead, with the Valuation of them by four ſeveral Perſons, which every Executor and Adminiſtrator ought to exhibit to the Ordinary at the time appointed.

Jointenants.

JOintenants are, where two men come to any Lands and Tenements by one joynt Title; as if a man gibe Lands to two men, and to their Heirs.

Tenants in common are, where two have Lands by ſeveral Titles, or by Feoffment to two, to have and to hold the one half to one and his Heirs, and the other half to another and his Heirs: in all theſe caſes none of them knows his ſeveral.

If there be two or three Joyntenants, and one hath Iſſue and dies, then he or thoſe Joyntenants that oberlive ſhall have the whole by Surviorſhip.

If two Jointenants by agreement make Partition between them by Deed, then they are ſeveral Tenants.

But if one Joyntenant grant that which belongs to him to a Stranger, then the other Joyntenant and the Stranger are Tenants in common.

And though two Tenants in common be ſeiſed throughly and of the whole, and none knows his ſeveral; yet if one die, the other ſhall not take the whole by Surviorſhip, but the Heir of him that dies ſhall have the half.

l' Roy, come appiert en *Stanf. Prerog. fol.* 40. & mults auters Livres.

Inventary.

INventarie eſt un Catalogue ou recital en eſcript des touts les Biens & Chattels dun q; eſt mort, ove le valuation de eux p quat' credible pſõs, le quel cheſc' Executor & Adminiſtrator doit exhibit al Ordinarie al temps appoint.

Joyntenants.

JOyntenants ſont, lou deux homes vienent a aſc'Trés ou Tenements p un *joynt Title*; come ſi home done Terres a deux homes & lour Heires.

Tenants en common ſont, lou deux ont Terres per ſeveral Titles, ou per Feoffment al deux, a aver & tener l'un moyetie al un & ſes Heires, & lauter moyetie al auter & ſes Heires: en touts ceux caſes nul de eux ſcavoit ſon ſeveral.

Si ſont deux ou trois Joyntenants, & un ad iſſue & devie, donques ceſtuy ou ceux Joyntenants que ſurviv' avera lentiertie per Surviver.

Si deux Joyntenants font Partic' enter eux per Fait p agreement, donques ils ſont ſeveral Tenants.

Mes ſi un Joyntenant grãt c' q; a luy appent a un Eſtranger, donques l' auter Joyntenant & l'Eſtrange' ſont Tenants en common.

Et meſque deux Tenants en common ſont ſeiſe per my & per tout, & nul conuſt ſon ſeveral; uncore ſi un devie, lauter ne avera l' entiertie per Surviver, mes l' Heire de celuy que devie avera le moyetie.

Et issint si sont trois Joyntenants, & unde eux fait Feoffment de son parte a un auter, & le Feoffee devie; dõques son Heir avera le tierce part, & les auters deux sont Joyntenants come ils fueront, p̃ ceo que eux deux sont seisies p̃ un joynt Title.

Auxy si Terre soit done al baron & sa feme, & le baron alien & devie, le feme recovera lentiertie: Mes si ils fueront Joyntenants devant le Coverture dõques en tiel case il recovera forsq; le moietie.

Si Terre soit done al baron & sa feme, & al tierce person, si le tierce person grant ceo que a luy appent, la moitie passa per cel Grant; p̃ ceo q; le baron & sa feme sont forsq un pson en le Ley, & en cest case ils nount en droit forsq; le moietie.

Auxy si deux Joyntenants sont des Terres en Vile que est Borough-English, lou Terre est devisable; & l'un p̃ son Testament devisa ceo que a luy appent a un Estranger & devie; cest Devise est void, & le auter avera lentiertie per Surviver, pur ceo que le Devise ne poit finder effect tanque apres le mort le Devisor; & immediatement apres le mort le Devisor le droit devient al auter Joyntenant per Surviver, que ne claime riens p̃ le Devisor, mes en son droit demeine p̃ Surviver. Mes autrement est de Parceners seisies des Terres devisables, *causa qua supra.*

Journies accounts.

JOurnies accounts (*Dietæ computatæ*) est un terme en le Ley que est entendu en cest mann: Si un Brief soit abate sans le default le Plaintif

And so if there be three Joyntenants, and one of them makes a Feoffment of his part to another, and the Feoffee dies; then his Heir shall have the third part, and the other two are Joyntenants as they were, because they two are seised by one joynt Title.

Also if Lands be given to the Baron and his Wife, and the Husband aliens and dies, the Wife shall recover the whole: But if they were Joyntenants before the Coverture, then he shall recover but the half.

If Land be given to the Husband and his Wife, and a third Person, if the third Person grant that which belongs to him, the one half passes by this Grant; for that the Baron and his Wife are but one Person in Law, and in this case they have right but to half.

Also if two Jointenants are of Lands in a Town that is Borough-English, where Land is devisable, and one by his Testament devises that which belongs to him to a Stranger, and dies; this Devise is void, and the other shall have the whole by Surviver, for that the Devise may not take effect till after the death of the Devisor; and immediately after the death of the Devisor, the right comes to the other Joyntenant by Surviver, who claims nothing by the Devisor, but in his own right by Surviver. But otherwise it is of Parreners seised of Lands devisable, causa qua supra.

Journies accounts.

JOurnies accounts (Dietæ computatæ) is a term in the Law which is understood thus: If a Writ be abated without the default of the Plaintiff or Demandant,

bant, he may purchase a new Writ, which if it be purchased by Journies accounts, (that is, within as little time as he possibly can after the Abatement of the first Writ) then this second Writ shall be as a Continuance of the first, and so shall ouste the Tenant or Defendant of his Voucher, Plea of Monstenure, Joyntenancy, fully administred, &c. or any other Plea which arises upon matter hapning after the date of the first Writ. And fifteen days have been held a convenient time for the purchase of the new Writ, See for this Writ by Journies accounts, Spencer's Case, Coke, lib. 9. fol. 9. b.

Inspeximus, See Constat.

Joynture.

JOynture is an Estate and Assurance made to a Woman in consideration of Marriage, for term of her life, or otherwise; as is mentioned in the Statute of 27 H. 8. cap. 10. whether it be before or after Marriage. And if it be after then she may at her liberty after the death of her Husband refuse to take or have the Lands so assured for her Joynture, and demand her Dower at the Common Law: But if it be made before Marriage, then she may not refuse such Joynture, nor have Dower according to the Common Law, unless that when she brings her Writ of Dower, the Defendant pleads such a Plea as will not bar her of her Dower; as if he say in Bar, that her Husband was not seised of such Estate whereof she might be endowed, or any such Plea, and doth not shew that she hath a Joynture made, &c.

ou Demandant, il poit purchase un novel Bre, que si soit purchase per *Journies accounts*, (cestascavoire, deins cy petite temps come il poit apres l' Abatemt del primer Bre,) donq; cest second Bre serra come un Continuãce del prim Bre, & issint oustera l' Tenant ou Defendant de son Voucher, Plee de nontenure, Joyntenancy pleinment administer, *&c.* ou ascun aut' Plee que accrue sur matter apres le date del prim Brief. Et quinze jours ont estr reputes un covenient temps pur le purchase del novel Brief. Veies pur cest Brief per *Journies accounts*, *Spencer's Case*, *Coke lib 6. fol 9. b.*

Inspeximus, Veies *Constat.*

Joynture.

JOynture est un Estate & Assurance fait al un Feme en consideration de Marriage, p terme de sa vie, ou autrmt; come est mention en l' Statute 27 *H.* 8. *c.* 10. soit il devant ou apres Marriage. Et si soit il apres, donquer el poit a sa libertie apres le mort de sa baron refuser d' prender ou aver les Terres issint assure p sa Joynture, & demand sa Dower a le Common Ley: Mes si il soit fait devant Marriage, donque el ne poit refuse tiel Joynture, ne aver Dower accordant al Common Ley, si non que quant el port sa Dower, le Defendant plead tiel Plee que ne voile luy barrer de sa Dower; sicome il dit en Barre, que sa baron ne fuit seisie de tiel Estate de que il poit estre endowe, ou ascun tiel Plee, & monstre que el ad un Joynture fait, *&c.*

& pur ceo demaund Judgment de cel Action, ou aſcun tiel ſemblable Plée, &c. Et ceo fuit le opinion de Monſieur *Brograve* al ſon Lecture en *Grays Inne* en Summer, *An.* 1567. 18 *Eliz.* ſur un branch del Statute fait, *An.* 27. *H.* 8. *cap* 10. concernant *Joyntures* & Dowers.

Et de ceux choſes de que un feme poite eſte endowe, el poit aver un Joynture; come de Mines, *Veſturam terræ*, Boys, Villes, Iſles, Meadows, & tiels ſemblables. Item de un Advowſon, Reverſion dependant ſur un Eſtate pur vie, Windmill, hault Chamber, Rectory. & tiels auters; & ils ſont appels *Tenements*. Item dun Villeine, car il eſt Hereditament. Et de touts ceux de quel nul profit poit veñ al feme, mes pluſtoſt un charge, un Joynture ne poit eſtre fait. Veies p̃ c' matter *Co. lib* 4. *fol.* 1. *Vernon's Caſe.*

and therefore demands Judgment of that Action, or any ſuch like Plea, &c. And this was the opinion of Maſter Brograve at his Reading in Grays-Inn in Summer, An. 1567. 18 Eliz. upon a Branch of the Statute made 27 H. 8. cap. 10. concerning Joyntures and Dowers.

And of thoſe things whereof a Woman may be endowed, ſhe may have a Joynture; as of Mines, Veſturam terræ. Woods. Towns, Iſles, Meadows, and ſuch like. Alſo of an Advowſon, Reverſion depending upon an Eſtate for Life, Wind-mill, high Chamber, Rectory, and ſuch other; and they are called Tenements. Alſo of a Villain, for he is an Hereditament. And of all things where profit will not come, but rather a charge a Joynture cannot be made. See Coke, lib. 4. fol. 1. Vernon's Caſe.

Jurats.

Jurats, Jurati, ſont en le nature de Aldermen pur le governance de lour ſeveral Corporations: come le Mayor & Jurats de *Maydſtone, Rye, Winchelſey, Tenderton*, &c.

Jurats.

JUrats, Jurati, are in the nature of Aldermen for the Government of their ſeveral Corporations; as the Mayor and Jurats of Maydſtone, Rye, Winchelſey, Tenderton, &c.

Juriſdiction.

Juriſdiction eſt un dignity q̃ un home ad per un povoir de fair Juſtice en Cauſes de complaint fait devant luy.

Juriſdiction.

JUriſdiction is a Dignity which a Man hath by a power to do Juſtice in Cauſes of complaint made before him.

Juris utrum.

Juris utrum eſt un Brief q̃ giſt pur le Succeſſor Incumbent d'un Benefice, pur recover les Terres ou Tenemẽts apperteinants al Eſgiſe, que fueront

Juris utrum.

JUris utrum is a Writ that lies for the ſucceeding Incumbent of a Benefice, to recover the Lands or Tenements belonging to the Church, which were alienedby

by his Predeceſſor. And ſee of this Fitz. N. B. fol. 48. R. and ſee after in the Title Utrum.

alien per ſon Predeceſſor. Et veies de ceo *Fitz. N B. fol.* 48. R. & veies aps Tit. *Utrum.*

Juror.

JUror is one of thoſe 24 or 12 men which are ſworn to deliver a truth upon ſuch Evidence as ſhall be given them touching the matter in queſtion: of which ſee Fitzh. Nat. B. fol. 165. D. and the Statute 16 and 17 Car. 2. cap. for returning able and ſufficient Jurors.

Juror.

JUror eſt un de ceux 24 ou 12 homes q̃ ſont jure al deliver le voierty ſur tiel Evidence cõe ils ſerra don touchant le matter en queſtion: de queux veies *Fitz. N. B. fol.* 165. *D.* & l' Stat. 16 & 17 *Car.* 2. *cap. for returning able and ſufficient Jurors.*

Juſtice ſeat.

JUſtice ſeat is the higheſt Court that is held in a Forreſt, and it is always held before the Lord Chief Juſtice in Eyre of the Forreſt, upon warning 40 days before. And there the Judgments are always given, and the Fines ſet for Offences that were preſented at the Courts of Attachments, and the Offenders indicted at the Swainmotes. See concerning this Court Manwood's Forreſt Laws, cap. 24. fol. 238. b.

Juſtice ſeat.

JUſtice ſeat eſt le plus hault Court q̃ eſt tenus ẽ un Forreſt, & ceſt touts temps tẽus devant le Sñr Chief Juſtice en Eyre del Forreſt: ſur un ſummons p 43 jours devant. Et la les Judgments ſont touts foit dones, & Fines aſſeſſes p̃ Offences que ſueront preſent as Courts del Attachments, & les Offendors indicts as Swainmotes. Veies ceſt Court *Manw. Forreſt Lys, cap.* 24. *fol* 238. *b.*

Juſtices in Eire.

JUſtices in Eire. See Eire.

Juſtices en Eire.

JUſtices en Eire. Veies *Eire.*

Juſticies.

JUſticies is a Writ directed to the Sheriff for the diſpatch of Juſtice in ſome ſpecial Caſes in his County-Court, of which he cannot by his ordinary power hold Plea there. And of this you may ſee Precedents in Fitzh. N. B. fol. 117. C. in Account, and fol. 119. G. in Debt, and many others. And it is cal-

Juſticies.

JUſticies eſt un Brief direct al Viſcount pur l' diſpatch del *Juſtice* en alcuns ſpecial caſes en ſon County-Court, des queux il ne poit p ſon ordinarie poyar tener Plee la. Et de ceo poies veier Precedents en *Fitzh. N. B. fol.* 117. *C.* en *Account*, & *fol.* 152. *B.* en *Annuity*, & *fol.* 119. *G.* en *Det*, & pluſors auters. Et eſt

appel un *Juſticies*, pur ceoque eſt un Comiſſion al Viſcount ad *juſticiandum* aliquem; & ne require aſcun Returne ou Certificate de c' q; il ad fait.

K.

Keelage.

KEelage, en Latine *Killagium*, eſt un Cuſtome pay al *Hartleloope* en *Durham*, pur cheſcun neif veignant en ceo Port. *Rot. Parl.* 21 E. 1.

Kiddle.

KIddle ou *Kidel*, eſt un Dam ou Wear en un River. *Omnes* Kidalli *deponantur de cætero penitus per* Thameſiam & Medweyam & *per totam* Angliam, *niſi per coſteram Maris. Magna Char. cap.* 24.

Kings ſilver.

KIngs *ſilver* eſt l' Argent que eſt debite al Roy en le Court de Common Plees, p un Licence y conceſſe al aſcun home a paſſer un Fine. *Coke* 6. *fol.* 39, & 43.

Kintal.

KIntal eſt uu Pois, communement de Cent livres, greinder ou meins, ſelon le Uſage de divers Nations. Monſieur *Plowden* en l' Caſe de *Reniger* & *Fogaſſa* fait mention de c' parol.

Knight-Service.

KNight-Service fuit un Tenure per quel pleuſi-u s Terres en ceſt Nation fuer' tenus del Roy. Mes il eſt abolie p Statute 12 *Car.* 2. *cap.* 24.

led a Juſticies, becauſe it is a Commiſſion to the Sheriff to do a man right; and it requires no Return or Certificate of what he hath done.

K.

Keelage.

KEelage, in Latine Killagium, is a Cuſtom paid at Hartlepool in Durham, for every Ship coming into that Port. Rot. Parl. 21. E. 1.

Kiddle.

KIddle or Kidel, is a Dam or Weat in a River. All Kidels ſhall from henceforth be utterly put down in the Thames and Medway, and throughout all England, except upon the Sea-coaſt. Mag. Char. cap. 24.

Kings ſilver.

KIngs ſilver is the Money which is due to the King in the Court of Common Pleas, for a License there granted to any man to paſs a Fine. Coke, lib. 6. fol. 39, & 43.

Kintal.

KIntal is a Weight commonly of One hundred pounds, more or leſs, according to the Uſage of ſundry Nations. Mr. Plowden in the Caſe of Reniger and Fogaſſa makes mention of this word.

Knights Service.

KNights Service was a Tenure by which ſeveral Lands in this Nation were held of the King. But it is aboliſhed by Statute 12 Car. 2. cap. 24.

L

Laches

LAches or Laſches is an old French Word ſignifying Blackneſs or Negligence, as it appears in Lit. Sect. 403. & 726. where Laches of Entry is nothing elſe but a Neglect in the Infant to enter. So that I think it may be an old Engliſh Word. And when we ſay, There is Laches of Entry, it is as much as to ſay, There Lack is of Entry, or there is Lack of Entry. Yet I find that (Laſcher) in French is to Loyter, and (Laſche) ſignifies one that is idle or lazy: and therefore it may alſo come from the French. For Etymologies are divers, and many times ad placitum.

Lagan

LAgan is ſuch a Parcel of Goods as the Mariners in a Danger of Shipwreck caſt out of the Ship; and becauſe they know they are heavy, and will ſink, they faſten to them a Boigh or Cork, that ſo they may find them, and have them again. If the Ship be drowned, or otherwiſe periſh, theſe Goods are called Lagan or Ligan, a ligando: and ſo long as they continue upon the Sea, they belong to the Admiral; but if they are caſt upon the Land, they are then called a Wreck, and belong to him that hath the Wreck, as it appears in Coke, l. 5. f. 106.

L.

Laches.

LAches ou *Laſches*, eſt un veil parol *Francois*, que ſignifie Negligence, come appiert en *Littl. ſect.* 403. *&* 726. Iou *Laches* del Entrie neſt riens forſque un Neglect en le infant p̄ enter. Iſſint q; moy ſemble que poit eſtre un vieux parol *Anglois*. Et q̄n nous diomus, Icy eſt *Laches* d' Entrie, eſt tant adire come, icy eſt *Lache* del Entrie. Unçore jeo trove que (*Laſcher*) en *Francois* eſt Laxare, & (*Laſche*) ſignificat Ignavum vel Flaccidum: & pur ceo poit vener auxy del *Francois*. Car Etymoligies ſō̄t divers, & pluſors foits *ad placitum*.

Lagan.

L*Agan* eſt tiel parcel des Biens come les Mariners en le peril del Naufrage jectont hors del Nieſe; & p̄ ceo que ils ſcavoient que les biens ſont ponderous, & voilont ſinke, ils liont as eux un Boy ou Corke, al intent q; poient eux trover, & re-aver. Si l' Nieſe ſoit merge, ou autermt periſh, ceux biens ſont appels *Lagan* ou *ligan*, *a ligando*: & cy longemt come ils continue ſur le Mer, ils appertinent al Admiral; mes ſils ſont jects ſur le Tre, adonque ils ſont appels *Wreck*, & apperteinent a celuy que avoit le Wreck, come appiert en *Coke*, *l.* 5. *f.* 106.

Lage-

Lageman.

L*Ageman* eſt Homo Legalis ſeu legitimus, tiel que nous appellom', Good Men of the Jury. Le parol eſt trove en *Dooms-day-book.*

Land-cheap.

L*And-cheap* eſt un payment de 10 *d.* en les deniers pur cheſcun Mark del purchaſe des terrs deins le Borough de *Maldon* ẽ *Eſſex*, p̃ preſcription. Quel vide *H.* 25, 26. *Car.* 2. *Roll.* 706. *en B. R.*

Lapſe.

L*Apſe (Lapſus)* eſt l'Omiſſion del Patron p̃ preſenter al Eſgliſe de ſon Patronage deins ſize mois apres Voydance per mort, ou priſel del auter Benefice ſans qualification, ou notice a luy done del Reſignation ou Deprivation del preſent Incumbent; per quel Neglect Title accrue al Ordinarie pur collater al dit Eſgliſe.

Larcenie.

L*Arcenie* eſt un tortious priſel des biens d'un auter hõe, mes nemy de ſon p̃ſon, ove un ment d'eux embl'.

Et Larcenie eſt en deux ſorts; l'un iſſint appel ſimplem̃t, & l'auter *Petit Larcenie.*

Le primer eſt lou le choſe emblee exceeda le value de 12 *d.* & ceo eſt Felonie.

L'auter (que eſt appel *Petit Larcenie*) eſt lou le choſe emble ne exceda le value de 12 *d.* & ceo n'eſt Felonie.

Lageman.

LAgeman eſt Homo Legalis, ſeu legitimus, ſuch as we call Good Men of the Jury. The word is found in Dooms-day Book.

Land-cheap.

LAnd-cheap is a payment of 10 d. in the Purchaſe-mony for every Mark thereof, for all the Lands within the Borough of Maldon in Eſſex, by preſcription, which ſee H. 25, 26. Car. 2 Roll 706. in B. R.

Lapſe.

LApſe (Lapſus) is the Omiſſion of a Patron to preſent to a Church of his Patronage within ſix Months after an Avoidance by Death, or taking of another Benefice without qualification, or notice to him given of the Reſignation or Deprivation of the preſent Incumbent; by which neglect, Title is given to the Ordinary to collate to the ſaid Church.

Larcenie.

LArceny is a wrongful taking away another Man's Goods, but not from his perſon, with a mind to ſteal them.

And Theft is in two ſorts; the one ſo called ſimply, and the other Petit or Little Theft.

The firſt is where the thing ſtolen exceeds the value of 12 d and this is Felony.

The other (called Little or Petit Theft) is where the thing ſtolen doth not exceed the value of 12 d. and that is not Felony.

Laſt

Laſt.

LAſt ſignifies a certain Weight or Burthen; as a Laſt of Herring is ten thouſand, Anno 31 E. 3. Stat. 2. cap. 2. a Laſt of Hides is twelve dozen, Anno 1 Jac. c. 33.

Laſtage.

LAſtage is, to be quit of a certain Cuſtom exacted in Fairs and Markets, for carrying of things where a Man will.

Lathe.

LAthe, Læſtum, is a great part of a County containing three more Hundreds, as in Kent, Suſſex, &c.

Latitat.

LAtitat is a Writ by which all Men in perſonal Actions are originally called in the King's Bench to anſwer. And it is called Latitat, becauſe it is ſuppoſed by the Writ that the Defendant cannot be found in the County of Middleſex, as it appears by the Return of the Sheriff of that County, but that he lurks in another County: and therefore to the Sheriff of that County is this Writ directed to apprehend him.

Law.

LAw. See Ley.

Law-day.

LAw-day ſignifies a Leet or Sheriffs Tourn, as it appears by the Statute of 1 E. 4. c. 2. where the Sheriffs Tourn is ſo called, and 9 H. 7. f. 21. b. and many other Books, where a Leet is ſo called. See Smiths Commonwealth, l. 2. c. 21.

Laſt.

L*Aſt* ſignifie un certeine Poiſe ou Burden; come un *Laſt de Herring* eſt 10000, *Anno* 31 *E.* 3. *Stat.* 2. *c.* 2. un *Laſt de Hides* eſt douze dozen, *Anno* 1 *Jac. c.* 33.

Laſtage.

L*Aſtage* eſt, quietum eſſe de quadam Conſuetudine exacta in Nundin' & Mercat' pro rebus cariandis ubi homo vult.

Lathe.

L*Athe*, Læſtum, eſt un grand part de un County aſcun foits conteignant trois ou pluſors Hundreds, come en Kent, Suſſex, *&c.*

Latitat.

L*Atitat* eſt un Bre per que touts homes en Perſonal Actions ſont originalment appels en Banke le Roy de reſponder. Et eſt appel *Latitat*, p ceo que eſt ſuppoſe p le Bre que le Defendant ne poit eſtre trove en le Countie del *Middleſex*, come appiert per le Retourne del Viſcount de c' Countie, mes q; *Lanitat* ē aut' Countie: & p ceo al Viſc' de ceo Countie eſt ceſt Bre direct p luy prender.

Law.

L*Aw.* Veies *Ley.*

Law-Day.

L*Aw-day* ſignifie un Leet ou Tourne del Viſc', cōe appiert per le Stat. 1. *E.* 4. *c.* 2. lou le Tourne le Viſc' eſt iſſint appel, & 9 *H.* 7. *f.* 21. *b.* & pluſors aut's Livres, lou un Leet eſt iſſint appel. Veies *Smith de Repub. Anglorum*, *l.* 2. *c.* 21.

Law-

Lawing of Dogs.

Lawing of Dogs. Veies *Expeditate.*

Lawing of Dogs.

Lawing of Dogs. See Expedi. tate.

Lawleſs Man.

Lawleſs Man eſt il q̄ eſt *extra Legem*, un Outlaw. *Br. l. 3. tract. 2. c. 11. num. 1.*

Lawleſs Man.

Lawleſs Man is he who is extra Legem, an Outlaw. Bract. l. 3. tract. 2. c. 11. num. 1.

Leaſes.

Leaſes ſont Graunts ou Demiſes, p̄ un q̄ ad aſcun Eſtate ē Hereditaments, d̄ ceux Hereditaments al auter p̄ meind temps. Et c' ſont en divers manners ; ceſtaſcavoire, p̄ terme de Vie, p̄ Ans, p̄ auter Vie, & a Volunt.

Auxy un Leaſe de Tr̄e eſt auxy bone ſans Fait, come p̄ Fait.

Mes en un Leaſe p̄ terme de Vie il covient de done Liverie & Seiſin ſur le Terre, ou autrement riens paſſera p̄ le Grant, p̄ ceo q̄ its ſont appelles *Frank-tenements.*

Auxy un Leaſe d'un Cōmon ouRent ne poit eſtre bone ſans Fait.

Mes d'un Parſonage que ad Glebe il eſt bone ſans Fait, pur ceo q̄ le Glebe del Eſgliſe, que eſt le Principal, poit aſſets bien paſſer ſans Fait ; & iſſint les Diſmes & Offerings, que ſont come acceſſorie al Egliſe.

Mes Diſmes & Offerings per ſoy ne poient eſtre leſſes ſans Fait, un dicitur.

Leaſes.

Leaſes are Grants or Demiſes, by one that hath any Eſtate in any Hereditaments, of thoſe Hereditaments to another for a leſſer time. And they are in divers manners, viz. for term of Life, for Years, for another's Life, and at Will.

Alſo a Leaſe of Land is as good without Deed, as with Deed.

But in a Leaſe for term of Life, it behoves to give Livery and Seiſin upon the Land, or elſe nothing ſhall paſs by the Grant, becauſe they are called Free-holds.

Alſo a Leaſe of a Common or Rent may not be good without Deed.

But of a Parſonage that hath Glebe, it is good without Deed, for that the Glebe of the Church, which is the principal, may well enough paſs without Deed ; and ſo the Tithes and Offerings, which are as acceſſary to the Church.

But Tithes and Offerings by themſelves may not be let without Deed, as it is ſaid.

Leet.

Leet eſt un Court derive hors del Tourne le Viſc', & inquire des touts Offences ſouth l'degree d̄ Hault Treaſon qu'x ſont comiſes en c'nt' le Corōe & Dignitie le

Leet.

Leet is a Court derived out of the Sheriffs Tourn, and inquires of all Offences under the Degree of High Treaſon that are committed againſt the Crown and Dignity of the King.

King. But those Offences which are to be punished with Loss of Life or Member, are only inquirable there, and to be certified over to the Justices of Assize. See Stat 1. E. 3. c. 17.

Roy. Mes ceux Offences queux sont punies p̄ perde de vie ou member sont solement inquirables la, & destre certifies ouster as Justices del Assise. Veies *Stat.* 1 *E.* 3. *c.* 17.

Legacy.

LEgacy (Legatum) is a term of the Civil Law, and it is that which we in our Law call a Devise, viz. Lands or Goods given unto any Man by the Will or Testament of another. See more Tit. Devise before.

Legacie.

LEgacie (*Legatum*) est un t'me del Civil Ley, & est ceo q̄ nous en nostre Ley appellomus un *Devise*, *viz.* Trēs ou Biens done al asc' p̄ le Volunt ou Testament d'un auter. Veies plus Tit. *Devise* devant.

Leproso amovendo.

LEproso amovendo, is a Writ which lies for a Parish to remove a Leper, or Lazar, who thrusts himself into the Company of his Neighbours, either in the Church, or other publick Meetings to their Annoyance or Disturbance. Reg. Orig. 257. F. N. B. 423.

Leproso amovendo.

LEproso amovendo, est un Brief que gist pur un Parish a remover un Leper ou Lazar qui se intrude deins le Company de son vicines, ou en le Esglise ou auter publick Assemblies a lour annoyance ou disturbance. *Reg. Orig.* 257. *F. N. B.* 423.

Lessor and Lessee.

LEssor is he that leases Lands or Tenements to another for term of Life, Years, or at Will: And he to whom the Lease is made is called Lessee.

Lessor & Lessee.

LEssor est celuy que lessa Trēs ou Tenements al aut' pur terme de vie, ans, ou a volunt: Et celuy a que le Lease est fait est appel *Lessee.*

Levant and Couchant.

LEvant and Couchant is said, when the Beasts or Cattel of a Stranger are come into another Man's Ground, and there have remained a certain good space of time.

Levant & couchant.

LEvant & Couchant est dit, quant les Beasts ou Cattel d'un Estranger sont venue ē le Trē d'un aut' home, & la ont remaine un certein bone space de temps.

Levari facias.

LEvari facias is a Writ directed to the Sheriff for the Levying of a sum of Money upon the Lands, Tenements and Chattels of him that hath forfeited a Recognizance. See F. N. B. fol. 265. D.

Levari facias.

LEvari facias est un Brief direct al Viscount p̄ le *Levier* d'un summe des deniers sur les Trēs, Tenēnts, & Chattels cestuy que ad forfeit un Recognisance. Veies *F. N. B. f.* 265. *D.*

Ley

Ley.

LEy eſt, quant Action de Det eſt port vers un ſur aſc' ſecret Agreem̃t ou Contract ewe pent' les parties ſans Eſpecialtie mõſtre, ou aut' m̃itter de Record; cõe en un Action de Detinue pur aſcuns biens ou chattels accommoda ou relinque ove le Defendant; donques le Defendant poit *gager ſon Ley*, ſil voile, ceſtaſcavoire, jurer ſur un Livre, & certeine perſons ove luy, q̃ il ne detain les biens, ou doit riens al Plaintife, en manner & forme come il ad declare.

Et c'eſt allowe ſolement en caſes de Secrecie, ou le Plaintife ne poit prover le Surmiſe de ſon Suit p aſcun Fait ou Overt actiõ: car le Defendant poit ceo diſcharge ſecretment penter eux, ſans aſc' Acquittance ou Publique act. Et p̃ ceo en Action d' Det ſur un Leaſe pur ans, ou ſur Arrearages d'Accompt devant Auditors aſſigne, home ne *gagera ſon Ley.*

Mes quant un *gagera ſon Ley*, il ameſnera oveſque luy vj, viij, ou xij de ces Vicines, come le Court luy aſſignera, de jurer oveſque luy; mult ſemble al Serem̃t que eux feſoient q; ſon uſes en le Civil Ley, de purger auters d'aſcun crime al eux impute, que ſont appel *Compurgators.*

Nota q; l'Offer de faire le Serem̃t eſt appel le *Gager del Ley*, & quant il eſt accompliſh, donques eſt appel le *Feſans del Ley.*

Et ſi le Viſcount en aſcun Action returne, q; il eyt ſummon le Defendant d'appeare en Court a aſcun jour a re-

Law.

LAw is, when an Action of Debt is brought againſt one upon ſome ſecret agreement or Contract had between the parties without eſpecialty ſhewed, or other matter of Record; as in an Action of Detinue for ſome Goods or Chattels lent or left with the Defendant; then the Defendant may wage his Law, if he will, that is, ſwear upon a Book, and certain perſons with him, that he detains not the Goods, or ows nothing to the Plaintiff, in manner and form as he hath declared.

And it is allowed only in Caſes of Secrecy, where the Plaintiff cannot prove the ſurmiſe of his Suit by any Deed or open Act: for the Defendant might diſcharge it privily between them without any Acquittance or publick Act. And therefore in an Action of Debt upon a Leaſe for Years, or upon Arrearages of a compt before Auditors aſſigned, a Man ſhall not wage his Law.

But when one ſhall wage his Law, he ſhall bring with him vj, viij, or xij of his Neighbours, as the Court ſhall aſſign him, to ſwear with him, much like the Oath which they make who are uſed in the Civil Law, to purge others of any crime laid againſt them, who are called Compurgators.

Note, that the Offer to make the Oath is called Wager of Law; and when it is accompliſhed, then it is called the Doing of the Law.

And if the Sheriff in any Action return, that he hath ſummoned the Defendant to appear in Court at any day to anſwer

the

the Plaintiff, at which day he makes Default; Proces shall be awarded against him, to come and save, or excuse his Default; which is as much to say, as to excuse the Delay, or otherwise to lose the thing demanded: And the Defendant comes, and swears he was not summoned, which is called waging of Law; then he ought to do it at the day assigned, with xij others. And in doing of his Law, he ought upon his Oath to affirm directly the contrary of that which is imputed to him: But the others shall only say, They think he saith the truth.

sponder le Plaintife, a quel jour il fait Default; Proceſſe ſerra agard vers luy, de vener & ſave, on excuſe ſon default; que eſt tant adire, come a purgare moram, ou auterment de perder le choſe demand: Et le Defendant vient, & jure que il ne fuit ſummon, que eſt appel *gager del Ley*, donques il doit ceo faire al jour aſſigne, ove xij auters. Et en *feſans del Ley* il doit ſur ſon Serement affirmer directment al contrarie de c' q̄ eſt impute a luy: Mes les auters dirra ſeulm̄t, que eux entende que il dit le veritie.

Libel.

Libel (Libellus) is a term of the Civil Law, ſignifying the Original Declaration in any Action; and ſo it is uſed in the Statutes of 2 H. 3. cap. 3 and 2 E. 6. cap. 13. And an infamous Libel ſignifies properly in our Law a Scandalous report of any man unlawfully publiſhed in writing: of which ſee Cok. lib. 5. fol. 125. a.

Libel.

Libel (Libellus) eſt un terme del Civil Ley, & ſignifie l'Original Declaration en aſcun Action; & iſſint eſt uſe en les Statutes, 2 *Hen.* 3. *cap.* 3. & 2 *E* 6. *cap.* 13. Et *famoſus Libellus* ſignifie pperment en noſtre Ley un Scandalous report dl aſc' home illoyalment publie en eſcript. Veies d ceo *Coke l.* 5. *f.* 125. *a.*

Liberate.

Liberate is a Warrant iſſuing out of the Chancery to the Treaſurer, Chamberlains, and Barons of the Exchequer or Clerk of the Hamper, &c. for the payment of any yearly Penſion, or other Sum granted under the Great Seal, Regiſt. Orig. 193. Sometimes to the Sheriffs, &c. Firzh. N. B. fol. 132. for the delivery of Land or Goods taken upon Forfeiture of a Recognizance, F. N. B. 131, 132. Cok. lib. 4. Fulwood's Caſe, fol. 64, 66, 67. Alſo to a Gaoler from the Juſti-

Liberate.

Liberate eſt un Garrant iſſuant hors del Chancerie al Treaſurer, Chamberlains, & Barōs dl Exchequer, ou Clerke del Hamper, *&c.* p̄ le Payṁt d'aſcun annual Penſion, ou auter Summe graunte ſouth le Grand Seal, *Regiſt. orig.* 193. Ou aſc' foits al Viſcount, *&c. F. N. B fol.* 132. pur le deliverie d Terres on Biens priſe ſur Forfeiture dun Recogniſance, *Fitz. NB* 131. 132. *Coke, lib.* 5. *Fulwoods Caſe, fol.* 64, 66, 67. Auxy a un Gaoler del Juſtices, pur le deliverie

liverie dun Priſoner que admitta eins Baile pur ſon Appearance.

Eſt auxi un auter Brief fait hors del Petty-bag Office en Chancery, ſur Stat' Staple, puis un extent ſur ceo retorne; per quel le Viſcount retorne q̄ il aver liver la terr extend, al Conuzee: Quel eſteant file, il poit donques (& nient devant) porter ſon Action d'Ejectment a recover poſſeſſion des terrs extend.

ces for the Delivery of a Priſoner that hath put in Bail for his Appearance.

There is alſo another Writ made out of the Petty-bag Office in Chancery, upon a Statute Staple, after an Extent thereupon returned; by which the Sheriff returns he has delivered the Land extended to the Cognizee; which being filed, he may then, (& not before) bring his Action of Ejectment to recover poſſeſſion of the Lands extended.

Libertate probanda.

Libertate probanda. Vid p̄ ceo en le Title *Nativo habendo.*

Libertate probanda.

Liberrtate probanda. Look for that in the Title Nativo habendo.

Libertie.

Libertie eſt un privilege tent per Grant ou Preſcription, per que homes auront aſcun benefit ou favour ouſter le comon Subject. *Bract. l.* 2. *c.* 5.

Liberty.

Liberty is a Privilege held by Grant or Preſcription, whereby Men enjoy ſome Benefit or Favour beyond the ordinary Subject. Bract. lib. 2. cap. 5.

Librata Terræ.

Librata Terræ conteiñ quater Ox-gangs, & chelcun Ox-gang 13 Acres d Ter. *Skene de verb. ſignif. verbo Bovatæ Terræ.*

Librata Terræ.

Librata Terræ contains four Ox-Gangs, and every Ox-Gang 13 Acres of Land. Skene de verb. ſignif. verbo bovata Terræ.

Lien.

Lien eſt un parol de deux ſignifications, Perſonal lien come Bond, Covenant ou Contract. Et real lien come Judgment, Statute, Recognizance, ou Original b̄re verſus un Heir queux oblige & affect la terre.

Lien.

Lien is a Word of two Significations, Perſonal Lien, as a Bond, Covenant or Contract: And Real Lien, as Judgment, Statute, Recognizance, or an Original againſt an Heir which oblige and affect the Land.

Ligeance.

Ligeance eſt un voiſ & loyal Obedience del Subject due a ſon Soveraigne; & ceſt Ligeance, que eſt un incident

Ligeance.

Ligeance is a true and faithful Obedience of the Subject due to his Soveraign; and this Ligeance, which is an incident

ident inſeparable to every Subject, is in four manners: the firſt is natural, the ſecond acquired, the third local, and the fourth legal. Of all which you may read much excellent Learning in Cok lib. 7. Calvin's Caſe.

Limitation.

LImitation is an Aſſignment of a ſpace of time, within which he that will Sue for any Lands or Hereditaments ought to prove, that he or his Anceſtor was ſeiſed of the thing demanded, or otherwiſe he ſhall not maintain his Suit or Action; which Aſſignments are made by divers Statutes: As the Statute of Merton, cap. 8. Weſtm. 1. cap. 38. 32 Hen. 8. cap. 2. &c.

Livery of Seiſin.

LIvery of Seiſin is a Ceremony uſed in Conveyance of Lands and Tenements, where an Eſtate in Fee-ſimple, Fee-tail, or a Free-hold ſhall paſs. And it is a Teſtimonal of the willing departing of him who makes the Livery from the thing whereof Livery is made. And the receiving of the Livery is a willing Acceptance by the other party of all that whereof the other hath deveſted himſelf. And it was invented as an open and notorious thing, by means whereof the common People might have knowlege of the Paſſing or Alteration of Eſtates from Man to Man, that thereby they might be the better able to try in whom the right and poſſeſſion of Lands and Tenements were, if they ſhould be impanelled on Juries, or otherwiſe have to do concerning the ſame.

dent inſeperable a cheſc Subject, eſt en quater manners: le primer eſt *natural*, le ſecond *acquirus*, le tierce *local*, & le quart *legal*. De touts queux vous poies lier mult bone erudition en *Coke*, *lib.* 7. *Calvin's Caſe*.

Limitation.

L*Imitation* eſt un Aſſignment de ſpace ou temps, deins quel ceſtuy q; voil' ſuer' p̄ aſcuns Terres ou Hereditaments doit prover, que il ou ſon Anceſtor fuit ſeiſie del choſe demaund, ou auterment ne mainteinera ſon Suit ou Action; quel Aſſignments ſont faits per divers Statutes: Cō̄ le Stat. de *Merton*, *cap.* 8. *Weſtm.* 1. *cap.* 38. 32 *Hen.* 8. *cap.* 2. *&c.*

Liverie de Seiſin.

L*Iverie de Seiſin* eſt un Ceremonie uſe en Conveyance de Terres ou Tenements, loù un Eſtate en Fee-ſimple, Fee-taile, ou un Franktenement paſſera. Et il eſt un Teſtmoigne de le voluntarie Departing d luy que fait le Liverie del choſe de que Liverie eſt fait. Et le reſceit del Liverie eſt un voluntarie Acceptance per le auter partie de tout ceo de que auter ad luy deveſte. Et fuit invent come un overt & notorious choſe, per means de que le common people poient aver Intelligence de Paſſing ou Alteration de Eſtates de hōe al home, que p ceo ils poient eſtre le melieur able pur trier en que le droit & poſſeſſion de Terres & Tenements fueront. ſils doient eſtre empanel en Jures, ou auterment ont a faire concernant ceo.

Le comon manner de *Liverie de Seiſin* eſt en ceſt ſort: Si il ſoit en l'overt Champe, ou ne ſont Edifices ou Meaſon, donques un que poit lier priſt le Fait en ſon main, ſi le Eſtate paſſera p Fait, & declara al eux q; la ſont le cauſe de lour vener la enſemble *&c.* & donq's overtm̃t lia le Fait, ou declare l' effect de ceo; & apres que il eſt ſeale, le partie que eſt a departer ove le Terre priſt le Fait en ſa mains oveſq; un Clod del terre, & un Twigge ou Bough, ſi y ad alcun la, q̃ il deliver al auter partie en le noſme de Poſſeſſion ou ſeiſin, accordant al forme & effect del Fait la lie ou declare. Mes ſil ſoit un Habitation ou Edifice ſur le Terre, donques ceo eſt fait a, Door del ceol nul eſleant relinquiſh a ceſt temps deins le Meaſon; & le partie deliver tours les avantdits, oveſque l' Annuel de le Door, en noſme de Seiſin ou Poſſeſſion; & il que receiva le Liverie entra primes ſole, & ſhutta le door, & preſentment overt ceo, & leſſa eux eins, *&c.* Sil ſoit de un Meaſon a que eſt nul Terre, le Liverie eſt fait & Poſſeſſion priſe per le deliverie del Annuel de le Door & Fait ſolement. Et lou il eſt ſans Fait, de Terres ou Tenements, la le partie declare p Parol, devant teſmoignes, l' Eſtate oveſque il entende de departer, & donques deliver Seiſin ou Poſſeſſion en manner avantdit: Et iſſint le Terre ou Tenement paſſera cybien cõe per fait, & ceo per force de Liverie de Seiſin. Il fuit agreé en *Gray's Inn* per

The common manner of Delivery of Seiſin is thus: If it be in the open Field, where is no Building or Houſe, then one that can read takes the Writing in his hand, if the Eſtate paſs by Deed, and declares to the ſtanders by the cauſe of their meeting there together, &c. and then openly reads the Deed, or declares the effect thereof; and after that is ſealed, the party who is to depart with the Ground takes the Deed in his hands, with a Clod of the Earth, and a Twig or Bough, if any be there, which he delivers to the other party in the name of Poſſeſſion or Seiſin, according to the form and effect of the Deed there read or declared. But if there be a Dwelling-houſe or Building upon the Land, then this is done at the Door of the ſame, none being left at that time within the Houſe; and the party delivers all aforeſaid, with the Ring of the Door, in the name of Seiſin or Poſſeſſion; and he that receives the Livery enters in firſt alone, and ſhuts the Door and preſently opens it again, and lets them in, &c. If it be a Houſe whereto is no Land or Ground, the Livery is made and Poſſeſſion taken by the delivery of the Ring of the Door and Deed only. And where it is without Deed, either of Lands or Tenements, there the Party declares by word of Mouth, before Witneſs, the Eſtate that he means to depart with, and then delivers Seiſin or Poſſeſſion in manner aforeſaid; And ſo the Land or Tenement doth paſs as well as by Deed, and that by force of the Livery of Seiſin. It was agreed in Gray's-Inn by

Maſter

Maſter Snagge, at his Reading there in Summer, Anno 1574. That if a Feoffor deliver the Deed in view of the Land, in name of Seiſin, that is good, becauſe he hath a Poſſeſſion in himſelf. But otherwiſe it is of an Attorney, for he muſt go to the Land, and take Poſſeſſion himſelf, before he can give Poſſeſſion to another, according to the words of his Warrant, &c. And where Livery of Seiſin is by View, if the Feoffee do not enter after, &c. nothing paſſes, for he ought to enter in Deed.

Maſter *Snagge*, al ſon Lecture la en Summer, *Anno* 1574. Que ſi un Feoffor deliver la Fait en view del Terre, en noſme de Seiſin, que il eſt bone, pur ceo que il ad un Poſſeſſion en luy meſme. Mes autrement eſt dun Attorney, car il doit aler al Terre, & priſe Poſſeſſion luy meſme, devant que il poit doner Poſſeſſion al auter, accordant al parols de ſon Garrant, *&c.* Et lou Liverie de Seiſin eſt p le View, ſi le Feoffeene entra pas puis, *&c.* nul choſe paſſa, car il doit enter en fait.

Local.

LOcal, in a legal Senſe ſignifies any thing annext or fixt to the Free-hold. But an Action of Treſpaſs for Battery, is tranſitory, and not local, and therefore the place need not be mentioned or ſet down in the Declaration, nor is it traverſable if it be.

Local.

Local en un legal ſenſe ſignify aſcun choſe annex ou fix al Frank-tenement. Mes un Action de Treſpaſs pur Battery eſt tranſitory, & nient local, & pur ceo le liue doit eſtre noſme ou mention en le declaration, nec eſt traverſable ſi ſoit.

Lollards.

LOllards were Dogmatiſts in Religion in the times of E. 3. and H. 5. and in thoſe times were reputed Hereticks; as appears by the Statutes in 5 R. 2. cap. 5. and 2 H. 5. cap. 7. Which Statutes you ſhall find repealed in 1 E. 6. cap. 12. and 1 El. cap. 1. They had their name (as ſome think) from one Gualter Lolhard a German, who lived about the year 1315. and was the firſt Author of this Sect.

Lollards.

Lollards fueront Dogmatiſts en Religion en le temps *E.* 3. & *H.* 5. & en ceux temps fueront reputes Heretiques: cõe appiert p le Stat. en 5 *R.* 2. *cap.* 5. & 2 *H.* 5. *cap.* 7. Queux Stat. vous troveres repealed en 1 *E.* 6. *c.* 12. & 1 *El. cap.* 1. Avoient lour denomination (come aſcuns penſoent) del un *Gualt. Lolhard* un *Garmanois*, qui vixit circa An Dom. 1315. & fuit l' prim̃ author d ceſt Sect.

Lord in Groſs.

LOrd in Groſs is he who is Lord without a Mannor, as the King in reſpect of his Crown, Fitz. Nat. Brev. fol. 5.

Seignior inroſſe.

Seign. en Groſſe ẽ il que ẽ Sñr ſans Mañor, cõe le Roy ẽ reſpect de ſon Coroñ, *F. N. B. fol.* 5. Un hõe fait Doñ en

taile de tout ſon Terre, a tener de luy, & moruſt; ſon Heire aad rien forſque *Seigniorie en Groſſe.*

A Man makes a Gift in tail of all his Land, to hold of him, and dies; his Heir hath nothing but a Seignory in Groſs.

Lotherwit.

LOtherwit eſt, quod capiatis emendas ab ipſo qui corrumpit veſtram Nativam ſine licencia veſtra.

Lotherwit.

LOtherwit is, that you may take amends of him who doth defile your Bondwoman without your licence.

Luſhborow.

LUſhborow fuit un counterfeit Coiñ en le tẽps *E.* 3. fait ouſter le Mer, en ſimilitude des deniers *Anglois*, & port eins pur deceiver le Roy & ſes Subjects. Et p̄ ceo eſt declare deſtre Treaſon p̄ le Statute 25 *E.* 3. *Stat.* 5. *c.* 2. p̄ aſcun home de ceo porter deins le Realme, ſil ſcavoit q̄ eſt faux.

Luſhburg.

LUſhburg was a counterfeit Coin in the time of Edw. 3. made beyond Seas, in likeneſs of Engliſh Moneys, and brought in to deceive the King and his Subjects. And therefore it is declared to be Treaſon by the Stat. of 25 E. 3. Stat. 5. cap. 2. for any man to bring it into the Realm, knowing it to be falſe.

M.

Mægbote.

MÆgbote Compenſation pro Cognato interfecto.

M.

Mægbote.

MÆgbote was a Recompence for a Kinſman ſlain.

Macegrieſs.

MAcegrieſs ou *Macegreſs* ſont ceux que voluntariment emont & vendont carne emble ſcient ceo de eſtre emble. *Brit. cap* 29. *Cromp. Juſt.* 193. *a.*

Macegrieſs.

MAcegrieſs or Macegreſs are ſuch as willingly buy and ſell ſtolen Fleſh, knowing the ſame to be ſtolen, Brit. cap. 29. Cromp. Juſt. 193. a.

Maeremium.

MAeremium eſt derive del veill *Norman* parol *Mariſme*, que ſignifie Timber.

Maeremium.

MAeremium is derived from the old Norman word Mariſme, which ſignifies Timber.

Magna

Magna Aſſiſa eligenda.

THis is a Writ directed to the Sheriff to Summon four lawful Knights before the Juſtices of Aſſiſe, upon their Oaths, to choose twelve Knights of the Vicinage, &c. to pass upon the great Aſſiſe between the Plaintiff and Defendant. Reg. Orig. fol. 8.

Maihem *or* Maime.

MAihem or Maime is, where by the wrongful act of another any Member is hurt or taken away, whereby the party is made unperfect to fight: As if a Bone be taken out of the Head, or broken in any other part of the Body, or Foot, or Head, or Finger, or Joynt of a Foot; or any Member be cut; or by some Wound the Sinews be made to shrink, or the Fingers made crooked; or if an Eye be put out, Forecteeth broken, or any other thing hurt in a man's Body; by means whereof he is made the less able to defend himself, or offend his enemy.

But the cutting off an Ear or Nose, or breaking of the Hinderteeth, or such like, is no Maihem, because it is rather a deformity of Body than diminishing of Strength; and that is commonly tryed by the Juſtices beholding the party. And if the Juſtices stand in doubt whether the hurt be a Maihem or not, they use and will of their own discretion take the help and opinion of some skilful Chirurgeon, to consider thereof, before they determine upon the Cause.

Magna Aſſiſa eligenda.

CEo eſt un Brief direct al Vicount a ſummoner 4 loyal Chivaliers devant le Juſtices del Aſſiſe de electer 12 Chivaliers del Vicinage, &c. a paſſer ſur le grand Aſſiſe enter le Pl. & Def. *Reg Orig. fol.* 8.

Maihem ou *Maime.*

Maihem eſt, lou d l'tortious act d auter aſcun Member eſt damnifie ou tolle, per que le partie eſt fait imperfect a combate: Come ſi un Oſſe ſoit priſe hors del Teſt, ou un debruiſe en aſcun auter pt del Corps, ou un Pee, ou Main, ou Digit, ou joynt dun Pee; ou aſc' Member ſoit ſcy; ou p aſc' plage les Nerves ſont fait d ſhrinker, ou les Digits fait curve; ou ſi un Oyel ſoit miſe hors, anterior Dents dbruiſe, ou aſc' auter choſe en le Corps dun home; p reaſon de quel il eſt fait le meins able pur defender luy meſme, ou offend ſon enemy.

Mes le ſcier de un Orial ou Naſe; ou lenfriender dl Dēts moliers, ou tiels ſemblables, neſt aſc' Maihem, p̄ ceo q̄ il eſt plus un Deformitie de le corps q̄ un Defect dl Strength; & ceo eſt communement try p l' inſpection del partie p les Juſtices. Et ſi les Juſtices ſont en doubt ſi le damage ſoit un *Maihem* ou nemy, ils uſe & voilent de lour grand diſcretion prender' aide & opinion de aſcun credite Surgeon, pur conſider de ceo, devant que ils determine ſur le Caſe.

Mainpernable.

MAinpernoble : q̃ poit estr̃ mainprise ou delivered al *Mainpernosr.* Veies le Statute de *Westm.* 1. *cap* 15, queux persons sont mainpernable, queux nemy.

Mainprise.

MAinprise est, quant un home est arrest per *Capias*, les Judgés poient deliver son corps a certain homes pur garder, & de luy mesner devant eux a certain jour ; & eux sont apelles *Mainpernors* : & si le partie ne appear al jour assigne, l' *Mainpernors* serrõt amercie.

Maintenance.

MAintenance est, lou asc' home doñ ou dliver a un aut', que est Plaintife ou Defendant en asc' Action, asc' summe d' argent ou aut' chose pur maintainer son Plee, ou fait extreme labour pur luy q̃it il nad riens a ceo faire ; donq's laut' ptie grieve avera vers luy un Brief appelle Br̃e de *Maintenance.*

Maletolt.

MAletolt, ou malum aut injustum Telonium, est un unjust Tax sur lane, veies Stat. 25. *E.* 1. *cap.* 7.

Manbote.

MAnbote signifie un Pecuniarie cõpensation p̃ le occider d' un hõe. *Lambert.*

Mandamus.

MAndamus est un Br̃e gissuist al. Escheator p̃ le troyer dun Office apres le mort dun q; moruſt Tenãt

Mainpernable.

MAinpernable : that may be mainpaſed or delibered to Mainpernors. See the Statute of Weſtm. 1. Cap. 15. what perſons may be mainpernable, what not.

Mainpriſe.

MAinpriſe is, when a Man is arreſted by Capias, the Judge may deliber his body to certain men to keep, and to bring beſore him at a certain day; and theſe are called Mainpernors : and if the party appear not at the day aſſigned, the Mainpernors ſhall be amerced.

Maintenance.

MAintenance is, where any man gibes or delibers to another, that is Plaintiff or Defendant in any Action, any ſum of Money or other thing to maintain his Plea, or takes great pains for him when he hath nothing therewith to do ; then the party grieved ſhall have againſt him a Writ called a Writ of Maintenance.

Maletolt.

MAletolt, or Malum aut injuſtum debitum Telonium ; is an unjuſt Tax upon Wool, See Stat. 25 E. 1. cap. 7.

Manbote.

MAinbote ſignifies a Pecuniary Compenſation for the killing a man. Lambert.

Mandamus.

MAndamus is a Writ that goes to the Eſcheator for the finding of an Office after the death of one that died the King's

King's Tenant; and it is all one with the Writ of Diem clauſit extremum, but that the Diem clauſit extremum goes out within the year after the death, and the Mandamus goes not out till after the year, and in caſe where there was never any Diem clauſit extremum ſued out, or was not ſued out with effect. Fitz. N.B. 253. B.C. See the Stat. 12 Car. 1. c. 24.

Alſo there is another ſort of Mandamus granted upon Motion in the King's Bench, one to the Biſhop to admit the Executor to prove a Will, or to grant Adminiſtration. Stiles's Reports, 78. Another to command Corporations to reſtore Aldermen, and others, to Offices out of which they are unjuſtly put out. Look 11 Report, James Bag's Caſe.

Mandate.

MAndate is a Command of the King or his Juſtices to have any thing done for the diſpatch of Juſtice, which you may ſee in the Table of the Regiſt. Judic.

Mannor.

MAnnor is compounded of divers things; as of a Houſe, Arable Land, Paſture, Meadow, Wood, Rent, Advowſon, Court-Baron, and ſuch like; which make a Mannor. And this ought to be by long continuance of time, the contrary whereof man's Memory cannot diſcern: for at this day a Mannor cannot be made, becauſe a Court-Baron cannot now be made, and a Mannor cannot be without a Court-Baron, and Suiters and Free-holders, two at the leaſt; for if all the Free-holds except one eſcheat to the Lord, or if he purle Roy; & eſt tant un ove le Bre de *Diem clauſit extremum*, ſi non que le Bre de *Diem clauſit extremum* iſſuiſt deins l'an apres le mort, & le *Mandamus* ne iſſuiſt tanque apres le an, & en caſe lou ne fuit aſcun *Diem clauſit extremum* ſue hors, ou al meins nient ſue cum effectu. *Fitz N. B. fol* 253. *B. C* Veies le Stat. 12 *Car.* 2. *cap.* 24.

Sont auxi auter ſort de Mandamu, grant ſur motion, un en B. le Roy, al Eveſque d'admit Executor a prover un Teſtament, ou a granter Adminiſtration. *Stiles Rep.* 78. Et un auter a maunder al Corporations a reſtiturer Aldermen, & autres al Officers hors de qu'x ils ſont illoyalment expel. Veies 11. *Rep. James Bag's Caſe.*

Mandate.

M*Andate* eſt un Command del Roy ou ſon Juſtices de aver un choſe fait pur le expediter de Juſtice, quel poies veier en le Table del *Regiſt. Judic.*

Mannor.

M*Annor* eſt compound de divers choſes, come de un Meaſon, Terre arable, Paſture, Pree, Boys, Rents, Advowſon, Court-Baron, & tiels ſemblables, queux font un *Mannor* Et ceo doit eſtre p̄ antient continuance de temps, cujus contrarium memoria hominum non exiſtit: car a ceo jour un *Mannor* ne poit eſtr̄ fait, p̄ ceo q̄ un Court-Baron ne poit eſtr̄ fait ore, & un *Mannor* ne poit eſtr̄ ſans un Court-Baron, & Suiters ou Frank-tenants, deux al meins; car ſi tours les Frank tenements forſque un eſcheate al Seigni-

or, ou ſil purchaſe touts preter un, la ſon *Mannor* eſt ale, pur ceo que il ne poit eſtre un *Mannor* ſans un Court-Baron, (come avantdit;) & un Court-Baron ne poit eſtre tenus mes devant Suiters, & nemy devant un Suiter; & ideo lou forſq; un Frank-tenemẽt ou Frank-tenãt eſt, la ne poit eſte *Mannor* propermẽt, comẽt en comon parlant ceo poit eſtr̃ iſſint appel.

Manſion.

MAnſio (*Manſio*) eſt plus uſualment priſe pur le chief Meſſuage ou Habitation del Seignior dun Mannor, le Meaſe del Mannor en que il pluſtoſt reſide, Capitale Meſſuagium, come eſt appel; de que le feme per le Statute de *Mag. Chart. cap.* 7. avera ſa Quarentine.

Manſlaughter.

MAnſlaughter eſt le illegal tuer de un home ſans malice prepenſe; come quant deux occur & ſoddainment affraiant le un tue le auter, *Weſt. part* 2. *Symbol. Tit. Indictments, Sect.* 44. Et differt de Murder pur ceo que ne eſt fait ove malice prepenſe; & de Chance-medley pur ceo que avoit un preſent intent de tuer. Ceo eſt Felony mes admit de Clergy pur le primer temps. *Stamf. Pl. Cor. lib.* 1. *cap.* 9. *& Brit. cap.* 9.

Manucaptio.

MAnucaptio eſt un Brief que giſt pur ceſtuy que eſt arreſt ou indite d' Felonie, & offer ſufficient Sureties pur ſon Appearance; mes le Viſ-

chaſe all except one, there his Mannor is gon, for that it cannot be a Mannor without a Court-Baron (as is aforeſaid;) and a Court-Baron cannot be holden but before Suiters, and not before one Suiter: and therefore where but one Free-hold or Free-holder is, there cannot be a Mannor properly, although in common ſpeech it may be ſo called.

Manſion.

MAnſion (Manſio) is moſt commonly taken for the chief Meſſuage or Habitation of the Lord of a Mannor, the Mannor-houſe where he doth moſt reſide, his Capital Meſſuage, as it is called; of which the Wife by the Statute of Mag. Chart. cap. 7. ſhall have her Quarentine.

Manſlaughter.

MAnſlaughter is the unlawful killing of a Man without malice prepenſed; as when two meet and ſuddainly falling out, the one kills the other, Weſt. part 2. Symbol. Tit. Indictments, Sect. 44. And differs from Murder, becauſe it is not done with foregoing Malice; and from Chancemedly, becauſe it has a preſent intent to kill. This is Felony, but admits of Clergy for the firſt time. Stamf. Pl. Cor. lib. 1. cap. 2. & Brit. cap. 9.

Munucaptio.

MAnucaptio is a Writ that lies for him who is arreſted or indicted of Felony, and offers ſufficient Sureties for his Appearance; but the Sheriff,

or

or he whom it concerns, will not ſuffer him to be bailed: then he ſhall have this Writ, to command them to ſuffer him to be bailed. See of this Fitz. N. B fol. 249. G.

Manumiſſion.

MAnumiſſion is the making a Bond-man free, and may be in two ſorts; the one is a Manumiſſion expreſſed, the other a Manumiſſion implied.

Manumiſſion expreſſed is, where the Lord makes a Deed to his Villain to Infranchiſe him by this word (Manumittere) which is as much to ſay, as to let one go out of another Man's hands or power.

The manner of Manumitting or Infranchiſing in old time, moſt uſually was thus. The Lord (in preſence of his Neighbours) took the Bond-man by the Head, ſaying, I will that this Man be free; and therewith ſhoved him forward out of his hand, and by this he was free.

Manumiſſion implied without this word (Manumittere) is, when the Lord makes an Obligation to his Villain to pay him Money at a certain day, or ſues him where he might enter without Suit, or grants him an Annuity, or Leaſes Lands to him by Deed for years, or life, and in divers like caſes the Villain thereby is made free.

count, ou ceſtuy que concerne, ne voit luy admit deſtre baile: donque il avera ceſt Brief, eux mandant de luy leſſer a Manprise. Veies de ceo *Fitz. N. B. fol.* 249 *G.*

Manumiſſion.

M*Anumiſſion* eſt le feſans dun Villein deſtre franke, & puit eſtre en deux ſorts; le un eſt un Manumiſſion explicata, lauter un Manumiſſion implicata.

Manumſſio Explicata eſt quant le Sñr fait un Fait al ſon Villein pur luy enfranchiſer per ceſt parol (*Manumittere*,) quod idem eſt quod extra manum vel extra poteſtatem alterius ponere.

Le manner de Manumitting ou Enfranchiſing en tẽps paſſe plus uſualment fuit iſſint. Le Sñr (en preſence de ſes vicines) priſt le Villeine per le Teſt, diſant, *Je voile que ceſt home ſoit franke*; & ove ceo il luy miſe avant hors de ſes maines, & per c'il fuit franke.

Manumiſſio Implicata ſans ceſt parol (*manumittere*) eſt, quant le Sñr fait un Obligation a ſon Villein a payer a luy money al un certaine jour, ou luy ſue lou il poit enter ſans Suir, ou grant luy un Annuitie, ou leſſa Terre a luy per Fait pur ans, ou vie, & en divers ſemblables caſes; le *Villein* per ceo eſt fait *franke*.

Marchers.

MArchers are the Noblemen dwelling on the Marches of Wales or Scotland, who in times paſt had their private laws, as if they had been Kings; and therefore in the Statutes of

Marchers.

M*Archers* ſont les Noble-homes inhabitants ſur les Marches d' *Gales* & *Eſcoſe*, q̃ẽ tẽps devãt avoiẽt lour private Leys, ſicome fuiſſent Roys; & pur ceo en Statutes de

de 2 *H.* 4. *c.* 28. 26 *H.* 8. *c.* 6. 27 *H.* 8. *c.* 26. & 1 *E.* 6. *c.* 10. ils ſõt appels *Seigniors Marchers.*

2 H. 4. c. 28. 26 H. 8. cap. 6. 27 H. 8. cap. 26. and 1 E. 6. cap. 10. they are called Lord Marchers.

Marches.

MArches ſont les Limits enter nous & *Gales* ou *Eſcoſe*, iſſint appels ou del parol *Germanois* (*March*) que ſignifie Limitem, ou del parol *Francois* (*Marq;*) ceſt aſcavoire, un Signe del diſtinction, ceux eſteants le notorious Diſtinctions de deux divers Regions. De ceux poies lier en les Statutes de 4 *Hen.* 5. *cap.* 7. 22 *E.* 4. *cap.* 8. 24 *H.* 8. *cap.* 9. & auters.

Marches.

MArches are the Bounds and Limits betwixt us and Wales or Scotland, ſo called either from the German word (March) which ſignifies a Frontier or Border; or elſe from the French word (Marq,) that is, a Sign or Token of Diſtinction, theſe being the notorious Diſtinctions of two divers Countries. Of theſe you ſhall read in the Statutes of 4 H. 5. cap. 7. 22 E. 4. cap. 8. 25 H. 8. cap. 9. and others.

Marchet.

MArchet eſt un cuſtomary fine pur liberty de marrier ſa File. Et *Co. Lit. fol.* 140. dit que eſt appel Marchet, come un Chete ou Fine pur Marriage.

Marchet.

MArchet is a cuſtomary Fine to marry his Daughter. And Co. Lit. fol. 140. ſays it is called Marchet, as it were a Chete or Fine for Marriage.

Marſhall.

MArſhall eſt un geñal pol pur mults Officers en *Angleter*: cõe l'Sñr ou Count Marſhal, de q'l mẽtiõ eſt fait ẽ les Statutes d 13 *R.* 2. *c.* 2. & 1 *H.* 4. *c.* 7, & 14. le Marſhal del Hoſtel le Roy, de que poies lier en *F.N.B f.* 241. *B* & en le Stat. de *Artic. ſup. Chart. c.* 3. 18 *E.* 3. *c.* 7. 2 *H.* 4. *c.* 23. 15 *H.* 6. *c.* 1. & auters. Sont auxy auters inferiour Marſhals mentions ẽ nre Livres: come le Marſhall de Banke le Roy, en le Statue 5 *E.* 3. *c.* 8. & en *F.N.B f.* 251. *I.* que avoit le cuſtodie ds touts les priſoners de ceo Court; & le Marſhal del Exchequer, mention en le Statute de 51 *H.* 3.

Marſhal.

MArſhal is a general word for many Officers in England: As the Lord or Earl Marſhal, of whom mention is made in the Statutes of 13, R. 2. cap. 2. and 1 H. 4. c. 7. & 14. the Marſhal of the King's Houſe, of whom you may read F. N. B. f. 241. B. and in the Statute of Artic. ſup. Chart. c. 3. 18 E. 3. c. 7. 2 H. 4. c. 23. 15 H. 6. c. 1. and others. There are alſo other inferior Marſhals mentioned in our Books: as the Marſhal of the King's Bench in the Statute of 5 E. 3. c. 8. and F.N.B. f. 251. I. who hath the cuſtody of all the Priſoners of that Court; and the Marſhal of the Exchequer, mentioned in the Statute

of

of 51 H. 3. Stat. 5. called the Statute of the Exchequer. Marſhal is a French Word, and is as much to ſay as Maſter of the Horſe; for it ſeems to come of the German (Marſchalk) which hath that ſignification.

Marſhalſea.

MArſhalſea is the Court or Seat of the Marſhal of the King's Houſe, of which you may read at large in Coke l. 6. 20. B. & l. 10. f. 68. B. It is alſo taken for the Priſon belonging to the Court of the King's Bench, of which the Marſhal of that Court is the Keeper: For ſo are the forms of the Bills there, that A complains of B. in the cuſtody of the Marſhal of the Marſhalſea of our Lord the King, &c.

Maugre.

MAugre is a Word compound of two French Words (Mal) and (Gree;) ſo that it is as much as to ſay, with an unwilling mind, or in deſpight of another. And ſo it is uſed in Littleton, ſect. 672. where it is ſaid, that the Husband and Wife ſhall be remitted maugre the Husband, that is, in deſpight or againſt the Will of the Husband.

Maximes.

MAximes are the Foundations of the Law, and the Concluſions of Reaſon, and are Cauſes efficient, and certain univerſal Propoſitions ſo ſure and perfect, that they may not be at any time impeached or Impugned, but ought always to be obſerved, and holden as ſtrong Principles and Authorities of themſelves, although they cannot be proved by force of

Stat. 5. appel le Srature de Eſchequer. *Marſhal* eſt un parol *Francois*, & eſt tant a dire come *Magiſter equitum*: car ſemble que venuſt del parol *Germanois* (*Marſchalk*) que ad ceo ſignification.

Marſhalſea.

M*Arſhalſea* eſt le Court ou ſeat del Marſhal del Hoſtel le Roy, de que poies lier a large en *Coke, l. 6. f.* 20. *B.* & *l.* 10. *f.* 68. *B.* Eſt auxy priſe pur le Priſon pertinant al Court del Bank le Roy, de que le Marſhal de ceo Court eſt le Gardian: car iſſint ſont les formes des Bills la, que *A* queritur de *B* in cuſtodia Mareſcalli Mareſcalciæ Domini Regis, *&c.*

Maugre.

M*Augre* eſt un parol compound des deux parols *Francois* (*Mal*) & (*Gree*): iſſint q̄ eſt tant adire cōe invito animo, ou en deſpight d'un auter. Et iſſint eſt uſe en *Littleton, ſect.* 672. lou eſt dit, q̄ le Baron & Feme ſerront remits *maugre* le Baron, ceſtacavoire, en deſpight ou encounter le volunt le Baron.

Maximes.

M*Aximes* ſont les Foundations del Ley, & les Concluſions d Reaſon, & ſont Cauſes efficient, & certeine univerſal Propoſitions cy ſure & pfect, q̄ ils ne poient eſtr̄ a aſcun temps impeach ou impugne, mes doient touts foits eſtr̄ obſerve, & tenus cōe fort Principles & Authorities de luy meſmes, nient obſtant ils ne point eſtr̄ prove p force d'

Argu-

Argument ou Demonſtration Logical, mes ſont conus p Induction p le voy de Senſe & Memorie. Pur example, il eſt un *Max.* q̄ Si *un hom. ad iſſue deux Fitz per divers venters, & l'un purchaſe Terres en fee, & moruſt ſans iſſue, l'auter ne unques ſerra ſon Heir*, &c.

Item il eſt un aut' *Maxime*, que *Terres diſcendera del Pere al Fits, mes nemy del Fits al Pere*, car ceo eſt un Aſcenſion, &c. Et divers tiels ſemblables il y ad, dont veies le *Doctor & Student*.

Argument or Demonſtrations Logical, but are known by Induction by the way of Senſe and Memory. For example, it is a Maxim, that, If a Man have Iſſue two Sons by divers Women, and the one purchaſes Lands in Fee, and dies without Iſſue, the other ſhall never be his Heir, &c.

And it is another Maxime, that Lands ſhall deſcend from the Father to the Son, but not from the Son to the Father, for that is an Aſcenſion, &c. And divers ſuch there are, whereof ſee Doctor and Student.

Maynour.

M*Aynour* eſt, quant un Laron ad emblee, & eſt p̄ſue ove Hue & Crie, & priſe, ayant ceo trove oveſq; luy que il ad emblee, ceo eſt appelle *Maynour*. Et iſſint nous commune m̄t uſe p̄ dire, quant nous trovomus un feſant d'un illoyal act, que nous luy priſt oveſq; le *Maynour* ou manner.

Maynour.

MAynour is, when a Thief hath ſtollen, and is followed with Hue and Cry, and taken, having that found about him which he ſtole, that is called Maynour. And ſo we commonly uſe to ſay, when we find one doing of an unlawful act, that we took him with the Maynour or manner.

Meane.

M*Eane.* Veies *Meſne*.

Meane.

M Eane. See Meſne.

Meaſe.

M*Eaſe* (*Meſſuagium*) ſemble de vener del parol *Francois Maiſon* ou *Manſion*, q̄ neſt aut' fortque un Lieu de abider ou habitation. Et unc' *Meſſuage* en n̄re Ley comprehend plus q̄ le verie Lieu del habitation: Car Domus & Meſſuagium differ en ceo que *Domus* ne poit eſtre intend aut' q; les choſes en Building; mes *Meſſuagium* ſerra dit tout le Manſion-lieu, & le Curtelage ſerra priſe come parcel d'un Meſſuage, 20 *H.* 7. *Keloway*, *f.* 57. *a.* Et p̄ le noſme

Meaſe.

MEaſe or Meſſuage ſeems to come from the French word Maiſon or Manſion, which is no other but a Place of abiding or habitation. And yet Meſſuage in our Law contains more than the very place of habitation: for a Houſe and a Meſſuage differ, in that a Houſe cannot be intended other than the matter of Building; but a Meſſuage ſhall be ſaid all the Manſion-place, and the Curtelage ſhall be taken as parcel of the Meſſuage, 20 H. 7. Keloway, fol. 57. a. And by the name of

a Meſſuage the Garden and Curtelage ſhall paſs, Plowden, fol. 171. a.

d'un *Meſſuage* le Garden & le Curtelage paſſera, *Plowden, f.* 171. *a.*

Meaſondieu.

MEaſondieu is an Appellation of divers Hoſpitals in this Kingdom, which are ſo named, Anno 2 & 3. P. & M. cap. 23. & 15 Car. 2. c. 7. And it comes of the French (Maiſon de Dieu) and is no more but God's Houſe in Engliſh.

Meaſondieu.

M*Eaſondieu* eſt un appellation done as divers Hoſpitals en ceſt Realme, que iſſint ſõt appel, *An.* 2 *&* 3 *P. & M. c.* 23. *&* 15 *Car.* 2. *c.* 7. Et venuſt d *Francois* (*Maiſon de Dieu*) & neſt plus que *Dom. Dei* ou Gods houſe ẽ *Anglois.*

Medietas Linguæ.

MEdietas Linguæ is an Inqueſt Impannelled upon any cauſe, whereof the one half is of Denizens, the other Strangers; and it is uſed in Pleas between parties, whereof one is a Denizen, and the other a Stranger. And this manner of Trial was firſt given by the Statute of 27 E. 3. Stat. 2. cap. 8. And by the Statute of 28 E. 3. c. 13. it was granted in Caſes where the King himſelf was party with an Alien.

Medietas Linguæ.

M*Edietas Linguæ* eſt un Inqueſt impannel ſur aſcun cauſe, de que l'un moietie eſt des Denizens, l'auter Aliens; & eſt uſe en Plees enter parties, dont l'un eſt un Denizen, & auter un Alien. Et ceſt manner de Trial ſuit primes done per le Stat. de 27 *E.* 3. *Stat.* 2. *cap.* 8. Et per le Statute de 28 *E* 3. *cap.* 13. fuit graunt en caſes lou le Roy meſme ſuit partie ove un Alien.

Melius inquirendo.

MElius inquirendo is a Writ directed to the Eſcheator for a ſecond Inquiry to be made, when there is any doubt made, of partiality in an Inquiry made upon a Diem clauſit extremum after the death of the King's Tenant. See F. N. B. f. 255. C.

Melius inquirendo.

M*Elius inquirendo* eſt un Bꝛe que eſt direct al Eſcheator pur un ſecond Inquiſition deſtre fait, quant eſt aſc' ſuſpition del partialite en un Inquiſition fait ſur un *Diem clauſit extremum* aps le mort le Tenant le Roy. Veies *F. N. B. fol.* 255. *C.*

Menials.

MEnials are thoſe Servants which live within their Maſters Walls of his Houſe. See the Stat. of 2 H. 4. 21.

Menials.

M*Enials* ſont ceux Servants que vivont deins les Meurs del Meaſon de lour Seigneurs. Veies le Stat. 2. *H.* 4. 21.

Mer-

Merchenlage.

MErchenlage eſt un de ceux trois Leys hors des queux *Gulielme* le Conqueror frame noſtre Common Ley, ove le mixture des Leys de *Normandie*. Et fuit le Ley des *Merciens*, quant ils avoient le regiment del tierce part de ceſt Realme.

Merchanlege.

MErchenlage is one of thoſe three Laws out of which William the Conqueror framed our Common Laws with a mixture of the Laws of Normandy. And it was the Law of the Mercians, when they had the Government of the third part of this Realm.

Meſnaltie.

MEſnaltie eſt le droit de Meſne; cõe le *Meſnaltie* eſt extinct. *Veil. N. B. f.* 44.

Meſnalty.

MEſnalty is the right of the Meſne, as the Meſnalty is extinct. Old. Nat. Br. f. 44.

Meſne.

MEſne eſt, lou l'Owner del Terres ou Tenements ceux teigne d'un per certaine Services, & il ceux tenoit dun auter p autiels ou auter Services; la ceſtuy q; tient les Tres eſt appel *Tenant peravail*, & ceſtuy de que il teigne eſt appel *Meſne*, & ceſtuy de que le Meſne tenoit eſt appel *Seignior Paramount*. Et ẽ ceſt cale, ſi le Seignior Paramount diſtraine le Tenant pur le Service le *Meſne*, que luy doit acquite al Seignior Paramount donques le Tenant avera un Bre vers le *Meſne*, q̃ eſt appel *Brief de Meſne*; & ſi il ne acquit' le Tenant donques le *Meſne* pdra le ſervice le Tenãt, & ſerra forejudge d ſon Seigniorie, & le Tenant ſerra Tenant immediate al chieſe Seignior, & ſerra luy meſmes les Services & Suits come le *Meſne* fiſt.

Meſne.

MEſne is, where the Owner of Lands or Tenements holds of one by certain Services, and he holds them of another by like or other Services; then he who holds them of anocalled Tenant paravail, and he of whom it is held is called Meſne, and he of whom the Meſne holds is called chief Lord, or Lord Paramount. And in this caſe, if the Lord above diſtrains the Tenant for the Service of the Meſne, who ought to acquit him to the chief Lord, then the Tenant ſhall have a Writ of Meſne, ſo called, againſt the Meſne; and if he acquit not the Tenant, then the Meſne ſhall loſe the Service of the Tenant, and ſhall be fore-judged of his Seigniory, and the Tenant ſhall be immediate Tenant to the chief Lord, and ſhall do him the ſame Service and Suits as the Meſne did.

Meſſuage.

M*Eſſuage.* Veies *Meaſe.*

Meſſuage.

MEſſuage. See Meaſe.

Me-

Metropolitane.

METropolitane, ſignifies the Arch-biſhops, of whom Canterbury is ſtiled, Totius Angliæ Primas & Metropol. And York the like Title, without the Totius.

Miſadventure.

MIſadventure is the killing of a Man by Negligence or Accident, as by the careleſs throwing of any thing whereby he killeth another. And this is not Felony, but he ſhall loſe his Goods and ſhall have his Pardon for his Life.

Miſcreant.

MIſcreant is one who is perverted to Hereſie, or a falſe Religion. Bro. Preſentation, 54.

Miſe.

MIſe is a French Word, and ſignifies as much as Expenſum in Latine; and it is ſo ordinarily uſed in the Entries of Judgments in Perſonal Actions: When the Plaintiff recovers, the Entry is, that Recuperet Damna ſua to ſuch a value, and pro miſis & cuſtagiis for Coſts and Charges, ſo much. There is alſo another acception or ſignification of this Word in the Law, where it is taken for the Iſſue to be tried by Battail or Grand Aſſiſe. And ſo it is uſed in Littleton, ſect. 478. 482. and divers others, where joyning of the Miſe upon the meer right is putting it in Iſſue, who hath the beſt or cleareſt right.

Metropolitane:

M*Etropolitane*, ſignifie les Archieveſques, de queux *Canterburie*, eſt noſme totius *Angliæ Primas & Metropol.* Et *York* ſemble ſans le parol, *Totius.*

Miſadventure.

M*Iſadventure*, eſt le tuer de un home per negligence ou accident, come per negligent jetter de aſcun choſe per que il occide un auter. Et ceo ne eſt Felony, mes il perdra ſes Biens, & avera ſon Pardon durant ſon vie.

Miſcreant.

M*Iſcreant* eſt un q̄ eſt pervert al Hereſie ou faux Religion. *Bro. Preſentation*, 54.

Miſe.

M*Iſe* eſt un parol *Francois*, & ſignifie tant come *Expenſum* en *Latine*; & iſſint eſt frequentment uſe en les Entries des Judgments ou Perſonal Actions: quant le Plaintiff recover, l'Entrie eſt, quod *Recuperet damna ſua* a tiel value, & tant *pro miſis & cuſtagiis*, La eſt auxy un auter acception ou ſignification de ceſt parol en Ley, lou eſt priſe pur l'Iſſue deſtre trie per Battaile ou Grand Aſſiſe. Et iſſint eſt uſe en *Littleton*, *ſect.* 478, 482. & divers auters, lou *joinder del Miſe ſur le mere droit* eſt mitter ceo en iſſue, que avoit le melieur ou plus clere droit.

Miſericordia.

Miſericordia eſt uſe en le Common Ley pur un Amerciament ou Peine miſe ſur aſc' p̄ un offence; cõe lou le Plaintiff ou Defendant en aſc' Action eſt amerce, l'Entrie eſt touts foits, *Ideo in miſericordia, &c.* Et eſt p̄ c'appel *Miſericordia*, come *Fitzh.* dit *N. B. fol.* 75. *H.* eo que doit eſtr̄ forſq; petite & meins que le offence, & ſalvo Contenemento, come le Statute de *Mag. Chart. cap.* 14. ple. Et pur ceo ſi home ſoit outragiouſment amercie en un Court que eſt de Record, come en Court-Baron, *&c.* la eſt un Bre appel *Moderata Miſericordia* deſtre direct al Sr ou Baily, eux commandant q; ils prenderont moderates Amerciaments ſolonque le quantitie del treſpaſs. Et de ceo veies *Fitz. N. B. fol.* 75 *A.* & *Moderata Miſericordia* apres.

Miſericordia.

Miſericordia is uſed in the Common Law for an Amerciament or Mulct ſet upon any for an offence; as where the Plaintiff or Defendant in any Action are amerced, the Entry is always, Ideo in miſericordia, &c. And it is therefore called Miſericordia, as Fitzh. ſays, N. B. fol. 75. H. for that it ſhould be but ſmall and leſs than the fault, and ſaving his Contenement, as the Statute of Mag. Charta cap. 14. ſpeaks. And therefore if a Man be outragiouſly amerced in a Court not of Record, as in a Court-Baron, &c. there is a Writ called Moderata Miſericordia to be directed to the Lord or his Baily, commanding them that they take moderate Amerciaments according to the quantity of the fault. And of that ſee Fitzh. N. B. fol. 75. A. and Moderata Miſericordia after.

Miſnomer.

Miſnomer eſt le Miſtake d un Nom̄, ou le uſing de un Nom̄ p̄ un auter. Veies *Broke, tit. Miſnomer.*

Miſnomer.

Miſnomer is the Miſtake of a Name, or the uſing of one Name for another. See Broke, Tit. Miſnomer.

Miſpriſion.

Miſpriſion eſt, q̄t aſcun ſciet que un auter ad fait Treaſon ou Felonie, & il ne voile luy diſcover al Roy, ou ſon Councel, ou a aſc' Magiſtrate, mes conceala ſon offence. Divers auters offences ſont appelle *Miſpriſion*: ſcom̄ un Chaplein ad fixe un antient Seal dun Patent a un novel Patent de Non-reſidence, ceo fuit tenus deſtre *Miſpriſion* de Treaſon tantum, & nul counterfeit del Seal del Roy.

Miſpriſion.

Miſpriſion is, when one knows that another hath committed Treaſon or Felony, and will not diſcover him to the King or his Council, or to any Magiſtrate, but conceals the ſame. Divers other Offences are called Miſpriſion: as when a Chaplain had fixed an old Seal of a Patent to a new Patent of Non-reſidence, this was held to be Miſpriſion of Treaſon only, and no counterfeiting of the King's Seal. So it is

holden

holden in 37 H. 8. Bro. tit. Treaſon 3. in Fine: but 2. H. 4. f. 25. A. it is adjudged contrary; and Stamf. Pl. cor. fol. 3. B. cites it for Treaſon; and ſo it is holden at this day.

And if a man know Money to be counterfeit, and bring the ſame from out of Ireland hither, and utter it in payment, yet this is but Miſpriſion of Treaſon, and no Treaſon: and ſo it is in divers like caſes.

In all caſes of Miſpriſion of Treaſon, the Party offendor ſhall forfeit his Goods for ever, and the profits of his Lands for his Life, and his Body to Priſon at the King's pleaſure.

And for Miſpriſion of Felony or Treſpaſs, the Offendor ſhall be committed to Priſon, until he habe found Sureties or Pledges for his Fine, which ſhall be aſſeſſed by the diſcretion of the Juſtices before whom he was convict.

And Note, That in every Treaſon or Felony is included Miſpriſion; and where any man hath committed Treaſon or Felony, the King may cauſe him to be Indicted and Arraigned of Miſpriſion only, if he will. See more hereof, Stamf. lib. 1. cap. 39.

Iſſint ē tenus en 37 *H.* 8. *Bro. tit. Treaſon* 3 *in fine*: mes 2. *H.* 4. *fol.* 25. *A.* eſt adjudge contra; & *Stamf. Pl. cor. fol.* 3. *B.* cite ceo p̄ Treaſon; & iſſint eſt tenus a ceſt jour.

Item ſi un auter ſciet Money deſtre faux, & port ceo hors de *Ireland* en *Angleterre*, & utter ceo en paym̄t, ceo eſt forſque *Miſpriſion* de Treaſon, & nemy Treaſon; & iſſint eſt en divers ſemblables Caſes.

En touts caſes de *Miſpriſion de Treaſon*, le partie offendor forfeitera ſes Biens a touts jours, & les profits de ſes Terres pur ſon vie, & ſon Corps al priſon al pleaſure del Roy.

Et pur *Miſpriſion de Felonie* ou Treſpaſſe, l' Offendor ſerra commit al Priſon, tanque il ad trove Sureties ou Pledges p̄ ſon Fine, que ſerra aſſeſſe per le diſcretion de les Juſtices devant que il fuit convict.

Et nota, Que en cheſcun Treaſon ou Felonie eſt include *Miſpriſion*; & lou aſc' ad fait Treaſon ou Felonie, le Roy poit cauſer luy deſtre endicte & arraigne forſque de *Miſpriſion* ſolement, ſi il voile. Vide plus de ceo *Stamf. lib.* 1. *cap.* 39.

Mittimus.

MIttimus is a Writ by which Records are transferred from one Court to another: ſometimes immediately, as it appears in the Statute of 5 R. 2. cap. 15. as out of the King's Bench into the Exchequer; and ſometimes by a Certiorari into the Chancery, and from thence by a Mittimus into another Court, as

Mittimus.

Mittimus eſt un Brief per q̄ Records ſont transfer del un Court al auter: aſcun foits immediarement, come appiert en le Stat. 5 *R.* 2 *cap.* 15. come hors del Bank le Roy en l'Exchequer; & aſc' foits per un *Certiorari* en le Chancerie, & dillonques per un *Mittimus* en auter Court, come poies veier en

28. *H.* 8. *Dyer, fol.* 29. *a, b.* & 29 *H.* 8. *Dyer, fol.* 32. *a, b.*

Ceſt parol eſt auxy uſe pur le Precept que eſt direct per un Juſtice del Peace al Gaoler p̄ le receiver & ſafement garder dun Felon, ou auter Offendor, commit per le dit Juſtice al Gaole.

you may ſee in 28 H. 8. Dyer, fol. 29. a, b. & 29 H. 8. Dyer, fol. 32. a, b.

This word is uſed alſo for the Precept that is directed by a Juſtice of Peace to a Goaler for the receiving and ſafe keeping of a Felon, or other Offendor, committed by the ſaid Juſtice to the Goal.

Moderata Miſericordia.

Moderata Miſericordia eſt un Brief que giſt lou home eſt amercie en Court-Baron ou Countie plus que devoit eſtre; donques il avera ceſt Brief direct al Viſcount, ſi ſoit en Court-Baron, eux commandant que ils ne luy amerciont mes eyent regard al quantitie del Treſpaſſe: ſils ne obey cel Bꝛe, donques iſſera vers eux un *Sicut alias*, & *Cauſam nobis ſignifices*, & apres ceo un *Attachment.*

Moderata Miſericordia.

Moderata Miſericordia is a Writ that lies where a man is amerced in Court-Baron or County more than he ought to be; then he ſhall have this Writ directed to the Sheriff, if it be in the County or to the Bayliff, if it be in Court-Baron, commanding them that they amerce him not but with regard to the quantity of the Treſpaſs: and if they obey not this Writ, then ſhall go forth againſt them a Sicut alias, and Cauſam nobis ſignifices, and after that an Attachment.

Modus decimandi.

Modus decimandi eſt, deniers ou auter choſe de value done annualment en lieu de diſmes: Le tryal de quel appertaine al common Ley & nemy al aſcun Court Chriſtian. *Ridleys view del Civil Ley*, 141. En quel il dit que en le temps de *William* le primer la fuit un *modus decimandi per totum regnum pro omnibus rebus.*

Modus decimandi.

Modus decimandi is, Money or other thing of value given annually in lieu of Tithes: The tryal of which appertains to the Common Law, and not to any Court-Chriſtian. Ridley's View of the Civil Law, 141. In which he ſays, that in the time of Will. 1ſt. There was one modus decimandi pro omnibus rebus per totum regnum.

Monſtrans de Droit.

Monſtrans de Droit eſt un Suit en le Chancery p̄ le Subject deſtr̄ reſtore as Tr̄s & Tenements queux il monſtre deſtr̄ ſon Droit, mes ſon: p Office troves deſtre en

Monſtrans de Droit.

Monſtrans de Droit is a Suit in Chancery for the Subject to be reſtored to Lands and Tenements which he ſhews to be his Right, but are by Office found to be in the poſſeſ-

poſſeſſion of another that is lately dead, by which Office the King is intitled to a Chattel, Free-hold, or Inheritance in the ſaid Lands. And this Monſtrans de Droit is given by the Statutes of 34 E. 3. cap. 14. and 36 E. 3. cap. 13. See Coke, lib. 4. fol. 54. B. in the Caſe of the Wardens and Commonalty of Sadlers.

le poſſeſſion dun q̃ darreinment moruſt, p quel Office le Roy eſt entitle al un Chattel, Frank-tenement, ou Inheritance en les dits Terres. Et ceſt *Monſtrance de Droit* eſt doñ p les Statutes d 34 *E.* 3. *cap.* 14. & 36. *E.* 3. *cap.* 13. Veies *Coke, lib.* 4. *fol.* 54. *B.* en le Caſe del Wardens & Communalties des *Sadlers.*

Moot.

MOot or Mote is a term well underſtood at the Inns of Court, and cometh from the Saxon word Gemote, which ſignifies a Court, Plea, or Convention, as Mota de Hereford, i. e. curia vel Placita Com. Hereford. And of this there are ſeveral kinds, as Wittinagemote, Folcgemote, Sciregemote, Burgemote, &c.

Moot.

Moot ou *Mote*, eſt un term bien conuſt al les Inns de de Court, & vient del *Saxon* parol *Gemote*, que ſignifie *Curia, Placitum ſive Conventus*, come Mota de *Hereford.* Et de ceo ſont ſeveral ſorts, come *Wittingemote, Folcgemote, Sciregemote, Burgemote*, &c.

Shewing of Deeds or Records.

SHewing of Deeds or Records is thus: An Action of Debt is brought againſt A. upon an Obligation by B. or by Executors &c. After the Plaintiff hath declared, he ought to ſhew his Obligation, and the Executor the Teſtament, to the Court. And ſo it is of Records.

And the diverſity between Shew of Deeds or Records, and Hearing of Deeds or Records, is this: He that pleads the Deed or Record, or Declares upon it, ought to ſhew the ſame; and the other againſt whom ſuch Deed or Record is pleaded or declared, and is thereby to be charged may demand hearing of the ſame Deed or Record, which his Adverſary brings or pleads againſt him.

Monſtrans de Faits ou Records.

Monſtrans de Faits ou Records eſt ſicome, pur example, un Action d Det ſoit port envers *A.* ſur un Obligation p *B*, ou p Executors, *&c.* Apres le Plaintife ad declare, il doit *monſtre* ſon Obligation, & le Executor le Teſtament, al Court. Et iſſint eſt de Records.

Et le diverſitie perenter *Monſtrance de Faits* ou Records, & *Oyer de Faits* ou Records, eſt iſſint: Il que pleade le Fait ou Record, ou declare ſur ceo, doit *monſtre* ceo; & lauter vers q; tiel Fait ou Record eſt pleade ou declare, & eſt per ceo deſtre charge, poit demand *Oyer* de ceo Fait ou Record, que ſon adverſarie port ou plead vers luy.

Monſtraverunt.

Monſtraverunt eſt un Brief que giſt pur l'Tenants en Ancient demeſne, & eſt direct al Seigneur, luy commandant que il ne diſtraine ſon Tenant p̄ fair auter Service que il doit: & ils poient aver ceſt Brief direct al Vic', que il ne ſuffer le Seigniour a diſtraine les dit Tenant pur faire auter Service.

Si les Tenants ne poient eſtre en quiet, ils poient aver un *Attachment* vers le Sñr, de appearer devant les Juſtices; & touts le noſmes des Tenants ſerront miſe en le Brief, coment que forſque un de ceux ſoit grieve.

Auxy ſi aſcun Terre en Ancient demeſne ſoit en variance enter les Tenants, donques ſe Tenant iſſint grieve avera vers l'auter Brief quod vocatur *Droit cloſe, ſecundum Conſuetudinem*; & ceo ſerra touts foits port en le Court le Seigniour, & ſur ceo il countera en le nature de quel Brief il voit. come ſon caſe giſt; & ceſt Brief ne ſerra remove, ſi non p̄ grand cauſe, ou non-power de le Court.

Auxy ſi le Sñr en auter lieu hors de ancient Demeſne diſtraine ſon Tenant de faire auter Service que il doit, il avera Brief de Droit, appelle *Ne injuſte vexes*; & ceſt un Brief de Droit Patent, que ſerra trie per Battel ou Grand Aſſiſe.

Mortdanceſter.

Mortdanceſter. Vide devant en le Title *Coſinage.*

Monſtraverunt.

Monſtraverunt is a Writ that lies for the Tenants in Ancient Demeſne, and is directed to the Lord, him commanding not to Diſtrain his Tenant to do other Service than he ought: and they may have this Writ directed to the Sheriff, that he ſuffer not the Lord to diſtrain the ſaid Tenant to do other Service.

If the Tenant cannot be in quiet, they may have an Attachment againſt the Lord, to appear before the Juſtices; and all the names of the Tenants ſhall be put in the Writ though but one of them be grieved.

Alſo if any Land in ancient Demeſne be in variance between the Tenants, then the Tenant ſo grieved ſhall have againſt the other a Writ which is called of Right cloſe, after the Cuſtom of the Manor; and that ſhall be alway brought in the Lords Court, and thereupon he ſhall declare in the nature of what Writ he will, as his caſe lies: and this Writ ſhall not be removed, but for a great cauſe, or non-power of the Court.

Alſo if the Lord in another place out of ancient Demeſne diſtrain his Tenant to do other Service than he ought, he ſhall have a Writ of Right, called Ne Injuſte vexes; and it is a Writ of Right Patent, which ſhall be tried by Battel or Grand Aſſiſe.

Mortdanceſter.

Mortdanceſter. See before in the Title Coſinage.

Mortgage, or Morgage.

MOrtgage, or Morgage is, when a Man makes a Feoffment to another on such condition, that if the Feoffor pay the Feoffee at a certain day 40 l. of money, then the Feoffor may re-enter, &c. In this case the Feoffee is called Tenant in Morgage. And as a Man may make a Feoffment in Fee in Morgage, so he may make a Gift in Tail, or a Lease for Life or Years in Morgage. And it seems the cause why it is called Morgage is, for that it stands in doubt whether the Feoffor will pay the Money at the day appointed or not; and if he fail, then the Land which he laid in gage upon condition of payment of the money is gon from him for ever, and so dead to him upon condition: but if he pay the money, then is the gage dead as to the Tenant, that is, the Feoffee. And for this cause it is called in Latine, Mortuum vadium, as Littleton saith; or Mortuum vas, as I think.

Also if a Feoffment be mada in Morgage upon condition, that if the Feoffor pay such a sum at such a day, &c. and the Feoffor dies before the day, yet if the Heir of the Feoffor pay the sum at the same day to the Feoffee, and the Feoffee refuse it, the Heir of the Feoffor may enter. But in such case if there be no day of payment expressed, then such Tender of the Heir is void, because when the Feoffor dies, the time of Tender is past; otherwise the Heirs of the Feoffor shall have time of Tender for ever, which would be inconvenient,

Mortgage, ou *Morgage*.

M*Ortgage*, ou *Morgage* est, quaint un fait un Feoffment a un auter sur tiel condition, que si le Feoffor paya al Feoffee a certain jour 40 l. d argent, que adonq; le Feoffor poit re-enter, *&c.* En ceo case le Feoffee est appel Tenant en *Morgage*. Et sicome un home poit faire Feoffmont en Fee en *Morgage*, issint il poit faire Don en taile, ou Lease p̄ vie ou p̄ ans en *Morgage*. Et il semble que la cause p̄ que il est appel *Morgage* est, pur ceo que il estoit en auruſt si le Feoffor voile payer al jour limit l' argent ou non; & si il ne paya pas, donq; le Terre que il mist en *gage* sur condition d paym̄t d le money est ale de luy a touts jours, & issint *mort* a luy sur cōdition: mes si il paya le money, donques est le *gage mort* q̄t a le Tenant, cestasçavoir, le Feoffee Et p̄ ceste cause il est appel en *Latine Mortuum vadium*, come *Littleton* dit; ou *Mortuum vas*, come jeo pense.

Auxy si Feoffm̄t soit fait c̄ *Morgage* sur condition, que si le Feoffor paya tiel summe a tiel jour, *&c.* & le Feoffor moruſt devant le jour, uncor̄ si le Heire le Feoffor paya le summe a mesme le jour al Feoffee, & le Feoffee ceo refusa, le Heire le Feoffee poit enter. Mes en tiel case, si ne soit ascun jour de payment expresse, donques tiel Tender del Heire est voide, pur ceo que quant le Feoffor moruſt, le temps del Tender est passe; autrem̄t les Heires le Feoffor averont temps del Tend a touts jours, que serra

inconvenient, q̃ vn avera un Fee-ſimple a luy & ſés Heirs defeaſible touts foits a le pleaſure & volunt de autrers. Mes en le primer caſe l' tẽps del Tender ne fuit expire per la mort le Feoffor.

that one ſhall have a Fee ſimple to him and his Heirs defeaſible always at the pleaſure and will of others. But in the firſt caſe the time of Tender was not expired by the death of the Feoffor.

Mortmaine.

MOrtmaine: lou Terres ſont dones a Meaſon d Religion ou a un auter Companie q̃ ſont corporate p le Grant le Roy, ceſt Tre eſt devenus ẽ *Mortmaine*, ceſt adire en *Anglois*, a dead hand; & donq; le Roy ou le Sr̃ de que le Tre eſt tenus poit entter, come appiert per le Statute de *Religioſis*. Auxy cy un fait Feoffment ſur confidence a certain perſons al oeps de un meaſon de Religion, ou al oeps de aſcun Gild ou Fraternity corporate, il ſerra dit *Mortmain*, & il encourgera meſm̃ le pain, ut patet per le Statute, *Anno* 15. *R.* 2.

Mortmain.

MOrtmain: where Lands are given to a Houſe of Religion, or to other Company Incorporate by the King's Grant, the Land is come into Mortmain, that is in Engliſh, a dead hand; and then the King or the Lord of whom the Land is holden may enter, as appears by the Statute de Religioſis. And if one make a Feoffment upon truſt to certain Perſons to the uſe of a Houſe of Religion, or to the uſe of any Guild or Fraternity Corporate, it ſhall be ſaid Mortmain, and he ſhall incur the ſame penalty, as appears by the Statute, An. 15 R. 2.

Mortuary.

MOrtuary (*Mortuarium*) eſt ceo Aver ou auter Chattel moveable, que, apres le mort del owner, per le Cuſtome des aſcuns lieus, accrue al Parſon, Vicar, ou Prieſt del Paroche, en lieu ou ſatisfaction des Diſmes ou Oblations oblites ou nient duement payes p ceſtuy que eſt mort. Veies ore l' Srature de 21 *H.* 8. *cap* 8. que limit le courſe & order del payment de ceux *Mortuaries*, ou de deniers pur eux.

Mortuary.

MOrtuary is that Beaſt or other Chattel moveable, which, after the death of the owner, by the Cuſtom of ſome places became due to the Parſon, Vicar, or Prieſt of the Parith, in lieu or ſatisfaction of Tithes or Offerings forgot, or not well and truly paid by him that is dead. See now the Statute of 21 H. 8. cap. 6. which limits the courſe and order of the payment of theſe Mortuaries, or of money for them.

Mulier.

MUlier eſt un pol uſe en noſtre Ley, mes cõe aptm̃t jeo ne poy dire: car, accordãt

Mulier.

MUlier is a word uſed in our Law, but how aptly I cannot ſay: for, according to the

the proper ſignification, Mulier is a defiled Woman, as it is uſed in Ulpianus thus; Si ego me Virginem emere putarem, cum eſſet Mulier, emptio non valebat. Whereby you may ſee, Mulier is a Woman that hath had the company of a Man. But to leave the right ſignification, Mulier is taken in our Law for one that is lawfully begotten and born; and is always contra-diſtinguiſhed with Baſtard, only to ſhew a difference between them; as thus: A Man hath a Son of a Woman before Marriage; that is, a Baſtard, and unlawful: and after he marries the Mother of the Baſtard, and they have another Son; this ſecond Son is called Mulier, that is to ſay, Lawful, and ſhall be Heir to his Father; but the other cannot be Heir to any man, becauſe it is not known nor certain in the Judgment of the Law who was his Father, and for that cauſe is ſaid to be, No Mans Son, or the Son of the People, and ſo without Father, according to theſe old verſes;

To whom the People Father is,
to him is Father none and all:
To whom the People Father is,
well fatherleſs we may him call.

And always you ſhall find this addition to them, [Baſtard eldeſt, and Mulier youngeſt] when they are compared together.

al proper ſignificatiō, *Mulier eſt Fœmina corrupta*, ſicome il eſt uſe p *Ulpianus* en tiel mañ, *Si ego me* Virgiñ *emere putarem, cum eſſet* Mulier, *emptio non valebat.* Per c' poyes veier, que *Mulier* eſt un Feme q; ad ew le cōpanie d un hōe. Mes a relinquiſher l' droit ſignificant, *Mulier* eſt priſe en noſtre Ley pur un que eſt loyalment engēder & nee; & eſt touts foits contradiſtinguiſhed oveſq; un *Baſtard*, ſolemt p monſtre un differēce pent'eux; cōe p example: Un hōe ad un Fitz p un Feme devant Marriage; ceſt iſſue eſt un Baſtard, & illoyal: & aps il marrie ove le Mere del Baſtard & ont un aut' Fitz; ceſt ſecond Fitz eſt appelle *Mulier*, ceſt adire, loyal, & ſerra Heire a ſon pere; mes le auter ne poit eſtre Heire al aſcun home, pur ceo que il neſt conus ne certaine en le judgment del Ley que fuit ſon Pere, & pur ceſt cauſe eſt dit deſtre *nullius filius*, ou *filius populi*, & iſſint ſans Pere, accordant al ceſtuy veil verſes.

Cui Pater eſt Populus, Pater eſt ſibi nullus & omnis:
Cui Pater eſt Populus, non habet ipſe Patrem.

Et touts foits vous troves ceſt addition al eux [Baſtard eigne, & *Mulier* puiſne] quant ils ſont compare enſemble.

Muniments.

Muniments.

MUniments are Evidences or Writings concerning a Mans Poſſeſſion or Inheritance, whereby he is able to defend the Eſtate which he hath. And they are ſo called from the

MUniments (*Munimenta*) ſont Evidēces ou Eſcripts touchants le Poſſeſſion ou Inheritance daſcun home, per queux il eſt able pur *defend'* le Eſtate que il ad. Et ils ſont

iſſint appels del *Latin* parol *Munio*, que ſignifie pur defender ou fortifier. Et 35 *H. 6 f.* 37. *b. Wangford* dit, q; ceſt parol *Muniment* include touts manners des Evidences, *viz.* Charters, Releaſes, & autres.

Latin word Munio, which ſignifies to defend or fortifie. And 37 H 6. fol. 37. b. Wangford ſays, That this word Muniment includes all manner of Evidences, viz. Charters, Releaſes, and others.

Murage.

MUrage (*Muragium*) eſt un Tolle ou Tribute levie pur l'Repairer ou edifier des publique *Mures*. Veies *Fitzh. N. B. fol.* 227. *D.* & l' Stat. 3 *E.* 1. *cap.* 30.

Murage.

MUrage is a Toll or Tribute, levied for the repairing or Building of Publick Walls. See Fitz. Nat. Brev. fol. 227. D. and the Statute of 3 E. 1. cap. 30.

Murder.

MUrder eſt un voluntarie Occider d un home ſur malice prepenſe, & ſemble de vener de le *Saxon* parol *Mordren*, que iſſint ſignifie. Et *Mordridus* ē le Murderer tanq; al ceſt jour en't eux in *Saxony*, d q; nous avomus mults d noſtr parolx, come ad eſtre ſovent dit. Ou poit eſtre derive de *Mort* & *dire*, quaſi *Mors dira*. Veies *Stanf. Pleas del Coron. lib.* 1.

Murder.

MUrder is a wilful killing a Man upon Malice forethought, and ſeems to come of the Saxon word Mordren, which ſo ſignifies. And Mordridus is the Murderer even until this day among them in Saxony, from whence we have moſt of our words, as hath been often ſaid. Or it may be derived of Mort and dire, as Mors dira. See Stanf. Pleas of the Crown, lib. 1.

Muſter.

MUſter venuſt del parol *Francois Mouſtrer*, id eſt, *Monſtrare*; car de *muſter* neſt riens forſque de monſtre homes & lour Armes, & d'eux inroller en un Livre, come appiert p l' Stat. de 18 *H. 6. cap.* 19.

Muſter.

MUſter comes of the French word Monſtrer, that is, to ſhew; for to Muſter, is nothing but to ſhew Men and their Arms and to Inrol them in a Book, as appears by the Statute of 18 H. 6. cap. 19.

N.

Naam.

NAam eſt le Purſuer on Apprehenſion des biens moveables de un auter home: & il eſt ou loyal,

N.

Naam.

NAam is the Attaching or taking of the moveable Goods of another man: and is either lawful, or unlawful. Lawful

Lawful Naam is a reaſonable Diſtreſs according to the value of the thing for which the Diſtreſs is made. See more of this in Horn's Mirror of Juſtices, lib. 2.

Nativo habendo.

NAtivo habendo is a Writ that lies where the Villain or Nief of the Lord is gone from him; then the Lord ſhall have this Writ directed to the Sheriff to cauſe the Lord to have his Villain or Nief, with all his Goods.

In this Writ more Villains or Niefs may not be demanded than two; but as many Villains or Niefs as will may jointly bring a Writ de Libertate probanda.

And if a Villain or Nief bring his Writ de Libertate probanda before the Lord bring this Writ, then the Villain Plaintiff ſhall be in peace till the coming of the Juſtices, or elſe his Writ ſhall not help him.

Alſo if a Villain have tarried in ancient Demeſne one Year and a Day without claim of the Lord, then he cannot ſeiſe him in the ſaid Franchiſe.

Naturalization.

NAturalization. See Denizen.

Ne admittas.

NE admittas is a Writ directed to the Biſhop at the Suit of one who is Patron of any Church, and he doubts that the Biſhop will collate one his Clerk, or admit another Clerk preſented by another man to the ſame Benefice: then he that doubts it ſhall have this

ou illoyal. *Naam* loyal eſt un reaſonable Diſtreſſe accordant al value del choſe pur que Diſtreſſe eſt fait. Veies pluis de ceo en *Hornes Mirrour de Juſtices, lib.* 2.

Nativo habendo.

N*Ativo habendo* eſt un Brief que giſt lou le Villeine ou Nief de un Seigniour eſt ale d luy; donques le Seigniour avera ceſt Brief direct al Vic', que il face le Sñr aver ſon Villein ou Niefe, oveſq; touts ſes chateux.

En ceſt Brief pluſors Villeins ou Niefes ne purront eſtr̃ demandes que deux; mes cy tant des Villeins ou Niefes q; voilent joyntm̃t poiēt porter Br̃e *de Libertate probanda.*

Et ſi un Nief port Brief *de Libertate probanda* avant que le Seigniour port ceſt Brief, donques le Villein Plaintif ou Niet ſerra en peace jeſque al venue des Juſtices, ou autrem̃t ſon Brief ne luy aidera.

Auxy ſi un Villein ad demur en Antient demeſne per un an & jour ſans claime del Seigniour, donques il ne poit luy ſeiſer deins le dit Franchiſe.

Naturalization.

N*Aturalization.* Veies *Denizen.*

Ne admittas.

NE *admittas* eſt un Brief direct al Eveſque al Suit de un que eſt Patron de aſcun Eſgliſe, & il doubta que l'Eveſque voit collate un ſon Clerk, ou admit un auter Clerk p̃ſent p̃ auter home al dit Benefice: donques il q̃ c' doubta avera ceſt Brief, de

inhi-

inhibiter le Viſcount de collater ou admitter aſcun a ſon Eſgliſe.

Writ, to forbid the Sheriff to collate or admit any to that Church.

Negativa pregnans.

NEgativa pregnans eſt, quant un Action, Information, ou tiel ſemblable Suite, eſt port envers un, & le Defendant plead en Barre del Actiō ou auterment un Negative Plee, que neſt cy ſpecial reſpons al Action, mes que il enclude auxy un affirmative. Come p̄ example; Si un Bre de *Entre en caſu proviſo* ſoit port per ceſtuy en le Reverſion ſur Alienation p̄ le Tenant pur vie, ſuppoſant que il ad alien en Fee, (que eſt un Forfeiture de ſon Eſtate) & le Tenant al Brief dit que il nad alien en Fee; ceſt un *Negative*, en que eſt include un Affirmative: car nient obſtant il ſoit veray q̄; il nad alien en Fee, uncore il poit eſtre q̄'il ad fait un Eſtate en taile, (le q̄l eſt auxy un Forfeiture) & donques l' Entry de celuy en l'Reverſion eſt loyal, *&c.*

Item en un *Quare impedit*, l'Roy fiſt Title de preſenter a un Prebend, ratione que les Temporalties de l'Eveſquerie fueront en ſa mains p̄ le mort d̄ *W.* nup Epiſcopum, *&c.* Le Defendant dit que ne voida pas, eſteants les Temporalties c̄ les maines dl Roy p̄ le mort de *W.* Ceſt un *Negative pregnant*; car il poit eſtre en les maines del Roy auterment que per le mort de *W.* & il ſuffiſt al Roy ſi ſoit en ſa maines, *&c.*

Iſſint eſt lou un Information fuit port in Scaccario vers *J. S.* pur ceo que il achate lanes perēter Shering-

Negative Pregnant.

NEgative Pregnant is, when an Action, Information, or ſuch like, is brought againſt one, and the Defendant pleads in Bar of the Action or otherwiſe a Negative Plea, which is not ſo ſpecial an anſwer to the Action, but that it includes alſo an Affirmative. As for example; If a Writ of Entrie en caſu proviſo be brought by him in the Reverſion of an Alienation by the Tenant for Life, ſuppoſing that he hath alienen in Fee, (which is a Forfeiture of his Eſtate) and the Tenant to the Writ ſaith, he hath not alienated in Fee; this is a Negative, wherein is included an Affirmative; for though it be true that he hath not alienen in Fee, yet it may be he hath made an Eſtate in Tail, (which is alſo a Forfeiture) and then the Entry of him in the Reverſion is lawful, &c.

Alſo in a Quare impedit, the King makes Title to preſent to a Prebend, for that the Temporalties of the Biſhoprick were in his hands by the Death of W. late Biſhop, &c. The Defendant ſaith that it was not void, the Temporalties being in the King's hand by the Death of W. This is a Negative Pregnant; for it may be in the King's hands otherwiſe than by the Death of W. and it ſuffices the King if it be in his hands by any meaus, &c.

So is it where an Information was brought in the Exchequer againſt J. S. for that he bought wool of J. N between

Shearing-

Shearing-time and the Assumption such a Year. The Defendant saith he did not buy any of J. N. as it is alledged, &c. This is called a Negative Pregnant; for if he bought it of any other, yet he is culpable for the buying.

Neif, or Nief.

NIef is a Woman that is bound, or a Villain Woman: But if she marry a Freeman, she is thereby made free, because she and her Husband are but one person in Law, and she ought to be of the same nature and condition in Law to all intents as her Husband is; but her Husband is free to all intents without any condition in Law, or otherwise; and so by consequence the Wife ought to be, and is free according to the nature of her free Husband. And then if she were once free, and clearly discharged of Wondage to all intents, she cannot be Nief after without special act done by her, as Divorce, or Confession in Court of Record, and that is in favor of Liberty. And therefore a Free Woman shall not be Bound by taking of a Villain to her Husband; but their Issue shall be Villains as their Father was: which is contrary to the Civil Law, for there it is said, The Birth follows the Belly.

Bondage or Villainage had beginning amongst the Hebrews, and its original of Chanan the Son of Cham, who, because he had mocked his Father Noe to scorn, lying dissolutely when he was drunk, was punished in his Son Chanaan with Penalty of Wondage.

temps & Assumption tali anno de *J. N.* Le Defendant dit quod non emit de *J. N.* come il est alledge, *&c.* Ceo est appelle un *Negative pregnant*; car sil ceo achate de auter, uncore il est culpable pur achater.

Neif, ou *Nief*.

N*Ief* est un Feme que est bonde, ou un Villein Feme: mes si el marrie un Frankhome, el est p ceo fait frank, pur ceo que el & sa Baron sont forsque un person en Ley & el covient estre de mesme le nature & condition en Ley, a touts entents cõe sa Baron; mes sa Baron est frank a touts entents sans ascun condition en Ley, ou autermt; & issint per consequence le Feme covient estre, & est frank accordant al nature de son Frank Baron. Et donques si el soit un foits frank & cleerement discharge de Villenage a touts entents, el ne poit estre *Niefe* apres sans especial act fait per luy, come Divorce, ou Conusans en Court de Record, & c' est en favour de Libertie. Et p ceo un Frank feme ne serra Villeine per prisel del Villein a son Baron; mes lour issue serra Villeines come lour Pere fuit: que est contrary a le Ley Civile, car la est dit, *Partus sequitur Ventrem.*

Bondage ou Villeinage ad son cõmencemt enter les *Hebrews*, & son original de *Chanaan* le fits de *Cham*, q̃ p ceo que il avoit derise son Pere *Noe*, gisant dissolutement quant il fuit ebrie, fuit punie en son fits *Chanaan* oveſque penaltie d'Bondage.

Ne Injuſte vexes.

NE *Injuſte vexes.* Vide Titulo *Monſtraverunt.*

Next Friend.

NExt Friend. Veies *Prochein Amy.*

Nihil.

N*Ihil* ou *Nichil* ſont tiels Iſſues que le Sheriff appoſe dit ne riens vault & nient leviable pur le inſufficiency del party que doit eux payer. 5 *R.* 2. *Stat.* 1. *chap.* 3. & 27 *El. cap.* 3.

Nihil capiat per Breve.

N*Ihil capiat per Breve* eſt le Judgment done vers le Plaintiff, ou en bar de ſon Action, ou en abatement de ſon Brief. *Co. Lit.* 363.

Nihil dicit.

N*Ihil dicit* eſt, quant un Action eſt port envers un home, & le Defendant appeare, & le Plaintife declare, & le Defendant ne voile reſponder, ou pleade al Action, & ne maintaine ſon Plee, mes fait Default: ore ſur ceſt Default il ſerra condemne, quia *Nihil dicit.*

Niſi prius.

N*Iſi prius* eſt un Bꝛe judiciall, & giſt quant l'Enqueſt eſt impanell' & retorne devant les Juſtices en Banke; donques le Plaintife ou Defendant poit aver ceſt Bꝛe direct al Viſc'; luy commandant q̄ il face vener la Enqueſt devant les Juſtices en m̄ le Countie a lour vener, & ceo p̄ eaſement del Enqueſt.

Ne injuſte vexes.

NE injuſte vexes. Look in the Title Monſtraverunt.

Next Friend.

NExt Friend. See Prochein Amy.

Nihil.

NIhil, or Nichil are ſuch Iſſues as the Sheriff appoſed ſaith are nothing worth, and not leviable for the inſufficiency of the party that ſhould pay them. 5 R. 2. Stat. 1. chap. 3. & 27 El. ch. 3.

Nihil capiat per breve.

NIhil capiat per breve is the Judgment given againſt the Plaintiff, either in Bar of his Action, or in abatement of his Writ, Co. Litt. 363.

Nihil dicit.

NIhil dicit is, when an Action is brought againſt a Man, and the Defendant appears, the Plaintiff declares, and the Defendant will not anſwer, or plead to the Action, and doth not maintain his Plea, but makes Default; now upon this Default he ſhall be condemned, becauſe he ſaith nothing.

Niſi prius.

NIſi prius is a Writ judicial, and lies where an Enqueſt is empanelled and returned before the Juſtices of the Bench; then the Plaintiff or Defendant may have this Writ directed to the Sheriff, commanding him to cauſe the Enqueſt to come before the Juſtices in the ſame County at their coming, and that for the eaſe of the Enqueſt.

No-

Nomination.

NOmination is, where one may in right of his Mannor, or otherwise, nominate and appoint a worthy Clerk or Man to a Parsonage, Vicarage, or such like Spiritual promotion. And note, that this Nomination ought to be another than the Ordinary, which other shall present him to the Ordinary

Non-ability.

NOn-ability is, where an Action is brought against one, and the Defendant says, that the Plaintiff is disable to sue an Action, and demands Judgment if he shall be answered. There are six Causes of Non-ability in the Plaintiff: as if he be an Outlaw, or an Alien born, (but that Disability is in Actions real and mixt only, and not in Actions Personal, except he be an Alien Enemy) or condemned in Præmunire, or professed into an Abby, Priory, or Frery, or Excommunicate, or a Villain, and sues his Lord, But this last is no Plea for another that is not Lord to the Villain. See more hereof, Littl. l. 2. c. 11.

Non-age.

NOn-age is all that time of a Man's Age under 21 Years in some Cases, and 14 in others, as Marriage. See Broke Tit. Age.

Non-claim.

NOn-claim is the Omission or Neglect of him that ought to challenge his Right within a Time limited, by which Neglect he is either barred of his Right, as at this Day upon

Nomination.

N*Omination* est, lou un poit, en droit de son Mannor ou auterment, nominate & appoint un able Clerk ou hõe al un Parsonage, Vicarage, ou tiel Spiritual promotion. Et nota que cest *Nomination* poit estre al auter que l' Ordinarie, quel auter luy presenter̃ al Ordinaire.

Non-abilitie.

N*On abilitie* est, lou un Action est port vers un, & le Defendant dit, que le Plaintiff est *non able* de suer asc' Action, & demand Judgment sil serra responde. Il y ad 6 causes de *Non-abilitie* en le Plaintiff: come sil soit Utlage, ou Alien nee, (mes cest Disabilite est en Actions reals & mix solement, & non en Actions personals, si non que il soit un Alien enemie) ou condemne en *Præmunire*, ou pfesse en un Abbie, Priorie, ou Frierie, ou Excommenge, ou un Villeine, & sue son Seignior. Mes cest darreine nest Plee pur auter que nest Seignior al Villeine. Vide de ceo *Littl. l.* 2. *c.* 7.

Non-age.

N*On-age* est tout les temps de l'age del home desouth 21 ans en ascun cases, & 14 en auter, come Marriage. Veies *Broke, Tit. Age.*

Non-claime.

N*On-claime* est l' Omissiõ ou neglect de cestuy que doit challenger son Droit deins un temps limitte, per quel neglect il est ou barre de son Droit, come a cest jour sur

Non-

Non claime deins cinque ans apres un Fine & droit a luy accrue, per le Statute de 4 *H.* 7. *c.* 24. ou de ſon Entrie per un diſcent pur default del Claim deins cinque ans aſps le Diſſeiſin fait, p̄ le Statute de 32 *H.* 8. *c.* 33.

Non-claim within five Years after a Fine and Right to him accrued by the Statute of 4 H. 7. c. 24. or of his Entry by a deſcent for want of Claim within five Years after the Diſſeiſin made, by the Statute of 32 H. 8. cap. 33.

Non compos mentis.

NOn *compos mentis*, i. e. de non ſane memory ou intellect, quel eſt quadruplex. 1. Un Ideot à nativitate. 2. Qui per accident perde ſon intellect. 3. Un Lunatick qui avoit lucida intervalla. 4. Il que per ſon act demeſne deprive luy meſme de ſon ſenſes, come ebrius. Veies 4 *Co. Beverley's* Caſe.

Non compos mentis.

NOn compos mentis, i. e. that is not of ſound memory or Underſtanding, which is fourfold. 1. An Ideot from his Birth. 2. He who by accident loſeth his Underſtanding. 3. A Lunatick who hath ſometimes Underſtanding and ſometimes not. 4. He that by his own Act deprives himſelf of his Senſes, as a Drunkard. See Co. 4. Rep. Beverley's Caſe.

Non eſt culpabilis.

NOn *eſt culpabilis* eſt un general plea per que le Defendant deny le fait ove que il eſt charge per le Plaintiff.

Non eſt culpabilis.

NOn eſt culpabilis is a general Plea, whereby the Defendant denies the Fact by which he is charged by the Plaintiff.

Non moleſtando.

NOn *moleſtando* eſt un Brief que giſt per celuy que eſt moleſt encounter le Protection le Roy grant a celuy. *Reg. Brev.* 24.

Non moleſtando.

NOn moleſtando is a Writ which lies for him who is moleſted againſt the King's Protection granted to him. Reg Brev. 24

Non omittas propter libertatem.

NOn *omittas propter libertatem*, eſt un Brief que giſt lou le Viſcount retorne ſur Brief a luy direct, que il ad maund al Bailiff de tiel Franchiſe que aver Retorne des Briefs. & il nad ſervie le Brief; donques le Plaintiff avera ceſt Brief direct al Viſcount, que il luy meſme enter en le Franchiſe,

Non omittas propter libertatem.

NOn omittas propter libertatem is a Writ that lies where the Sheriff returns upon a Writ to him directed, that he hath ſent to the Bailiff of ſuch a Franchiſe which hath Return of Writs, and he hath not ſerved the Writ; then the Plaintiff ſhall have this Writ directed to the Sheriff, that he himſelf enter into the Franchiſe,

thise, and execute the King's Writ.

Also the Sheriff shall warn the Bailiff, that he be before the Justices at the day contained in the Writ; and if he come not and excuse himself, then all the Writs judicial which shall pass out of the King's Court during the same Plea, shall be Writs De non omittas, &c. and the Sheriff shall make execution of them depending that Plea.

chise, & execute le Brief le Roy.

Auxy le Viscount garnera le Bailiff, que il soit devant les Justices al jour contenus en le Brief; & sil ne vient & luy acquite, donques touts les Briefs judicial que passeront hors del Court le Roy durant mesme le Plee serront Briefs *De non omittas, &c.* & le Viscount ferra execution d' eux pendant cel Plee.

Non-suit.

NOn-suit is the Renouncing of a Suit by the Plaintiff or Defendant, when the matter is in probability to proceed after the Tenant or Defendant hath appeared, &c. And see the Statute of 2 H. 4. c. 7. in what Cases a Man cannot be Non-suit; and 23 H. 8. cap. 15. and 8 Eliz. c. 2. and 4 Jac. c. 3. where he that is Non-suit shall pay Costs to the Defendant.

Non-suit.

NOn *suit* est le Renouncer del Suit per le Plaintiff ou Demandant, quant le matter est en probability p̄ proceed, apres le Tenant ou Defendant ad appear, *&c.* Et vide le Statute 2 *H.* 4. *c.* 7. en queux cases hōe ne poit estre *Non-suit*; & 23 *H.* 8. *c.* 15. & 8 *Eliz. c.* 2. & 4 *Jac. c.* 3. lou cestui qui est *Non-suit* payera Costs al Defendant.

Non sum informatus.

NOn sum informatus is a formal Answer made by an Attorney, who is commanded by the Court to say something in Defence of his Client, by which he is deemed to leave his Client undefended, and so Judgment passes for the other party.

Non sum informatus.

NOn *sum informatus* est un formal Responsе fait per un Attorny, que est cōmand per le Court dire ascun chose en Defence d̄ son Cliēt, per quel il est adjudge lascher son Client sans Defence, & issint judgement passe p̄ l' auter partie.

Non Term.

NOn Term is the Time of Vacation between the two Terms.

Non Term.

NOn *Term* est le temps de vacation deins deux Terms.

Novel Assignment.

NOvel Assignment is, where a Man brings Trespass for breaking his Close: And the Defendant justifies in a place

Novel Assignment.

NOvel *Assignment* est, ou home port trespasse de son close debruse: Et le Defendant justifie en un lieu

ou

ou nul treſpaſſe fuit fait, Donque Plaintif aſſigne le cloſe ou c' fuit, a q'l le Defendant poit pleade, de rien culpable ou juſtifie per title. Et auxi ſont aut's Replications en Battery, & aut's Treſpaſſes ; come ſi Def. en Battery juſtifie per un Brief, le Plaintif reply que puis le Retorne de ceo le Plaintif en ceo fuit diſcharge le Plaintif hors de Priſon, & puis le Defendant luy priſt & Impriſon, ore le Defendant reſpond a ceo Replication.

where no Treſpaſs was done, then the Plaintiff aſſigns the Cloſe where it was; to which the Defendant may plead, Not guilty, or juſtifie by Title. And there are other Replications in Battery, and other Treſpaſſes; as if the Defendant in Battery juſtifies by a Writ: The Plaintiff replies, that after the Retorn of it, the Plaintiff in that Suit diſcharged the Plaintiff out of Priſon, and that the Defendant after that Impriſoned him, now the Defendant muſt anſwer to that Replication.

Nude Contract.

NUde *Contract*, ou Nude Promiſe, eſt, lou un hõe bargaine ou vende ſes Terres ou Biens, ou pmiſe p̃ don̄ al auter monie, ou un chival, ou edifier un meaſon, ou faire tiel choſe a tiel jour, & la eſt nul recompence appoint a luy p̃ le faire de ceo; come ſi un dit al auter, Jeo vende ou done a vous tours mes Terres ou Biens, & la eſt nul choſe appoint, aſſigne, ou agree, que l'auter donera ou payera pur ceo, iſſint que il nad quid pro quo: ceſt un *Nude Contract*, & void en Ley, & ẽ non-performance de ceo nul Action giſt, car, *Ex nudo Pacto non oritur Actio.*

Bare or Naked Contract.

BAre Contract, or Naked Promiſe is, where a Man bargains or ſells Lands or Goods, or promiſes to give one Money, or a Horſe, or to build a Houſe, or do ſuch a thing at ſuch a day, and there is no recompence appointed to him for the doing thereof; as if one ſay to another, I ſell or give to you all my Lands or Goods, and there is nothing appointed, aſſigned, or agreed upon what the other ſhall give or pay for it, ſo that there is not one thing for another: This is a Naked Contract, and void in Law, and for not performance thereof no Action lies, for, Ex nudo Pacto non oritur Actio.

Nuper obiit.

NUper obiit eſt un Brief, & giſt lou un ad pluſors Heirs, ceſtaſcavoir, pluſors Files, ou pluſors Fits, ſil ſoit en *Gavelkind* en *Kent*, & devie ſeiſie, & un Heire entra en tout la Terre; donques les auters que ſont tenus dehors averont ceſt Brief vers le Coheir que eſt eins. Mes

Nuper obiit.

NUper obiit is a Writ, and it lies where one hath many Heirs, that is, many Daughters, or many Sons, if it be in Gavelkind in Kent, and dies ſeiſed, and one Heir enters into all the Land; then the others whom he holds out ſhall have this Writ againſt the Coheir that is in. But a Writ of

of Rationabil parte lies in ſuch caſe where the Anceſtor was once ſeiſed, and died not ſeiſed of the Poſſeſſion, but in Reverſion.

Brief de *Rationabili parte* giſt en tiel caſe ou l' Anceſtor fu t un foits ſeiſie de Poſſeſſion, m s del Reverſion.

Nuſance.

NUſance is, where any Man raiſes any Wall, or ſtops any Water, or doth any thing upon his own Ground to the unlawful hurt or annoyance of his neighbor; he that is grieved may have thereof an Aſſiſe of Nuſance: And if he that makes the Nuſance aliens the Land to another, then this Writ ſhall be brought againſt them both, as it appears by the Stat. of Weſtm. 2. c. 24.

It may be alſo by ſtopping Lights in an Houſe, or cauſing water to run over Houſe or Lands, for remedy whereof, an Action upon the Caſe or Aſſiſe lyeth.

Nuſans.

NUſans eſt, lou aſc' home levie aſcun Mure, ou eſtoppe aſcun Ewe, ou fait aſcun choſe ſur ſon Tres demeſne al annoyance ſon prochein; ceſtuy que eſt grieve avera un Brief appel *Aſſize de Nuſans*: Auxy ſi il que fiſt le Nuſans alien le Terre a un auter, donques ceſt Brief ſerra port envers ambideux, come appiert p le Statute de *Weſtm.* 2. *c.* 24.

Poit eſtre auxi p eſtopper de Luminers en un meſe, ou p cauſer d'ewe de flow ſur meſe auters pur remedy de quel un Action ſur le Caſe ou Aſſiſe giſt.

O.

Obit.

OBit is a Funeral ſolemnity or Office for the dead, moſt commonly performed at the Funeral when the Corps lies in the Church uninterred.

O.

Obit.

OBit eſt un funeral Solemnity ou Office pur le mort communement fait quant le Corps giſt en le Eſgliſe nient enterre.

Oblations.

OBlations are what things ſoever are offered to God and his Church by pious and faithful Chriſtians.

Oblations.

OBlations ſunt quæcunque a piis fidelibuſque Chriſtianis offeruntur Deo & Eccleſiæ.

Occupant.

OCcupant, Is when a Man makes a Leaſe to another, for the Term of the Life of a third perſon: The Leſſee dies,

Occupant.

OCcupant, eſt quant un home fiit un Leaſe al auter pur Term del Vie de tierce perſō: Le Leſſee moruſt, il que primes

mes enter, terre la ter e come occupant durant' la vie del tierce perſon, Quel a preventer tiels leaſes ſont ore faits al Leſſee ſes heirs & aſſigns. 2 *Cro.* 554 *Co.* 6. *Rep.* 37.

he who firſt enters ſhall hold the land as occupant during the life of the third perſon; To prevent which ſuch Leaſes are now made to the Leſſee his Heirs and Aſſigns, 2 Cro. 554. Co. 6. r. 37.

Odio & Atia.

ODio & Atia eſt un vieux Brief mention ē le Statute de *Weſt.* 1. fait en 3 *E.* 1 *cap.* 11. & fuit direct al Viſcount, pur inquire ſi hōe commiſe al priſon ſur Suſpicion del Murder fuit commiſe ſur unjuſt Suſpicion, ou pur malice ſolement. Et ſi ſur enquiry fuit trove que ne fuit culpable, adonques un auter Brief venuſt al Viſcount p̄ luy bailer. Mes ceſt courſe eſt ore tolle per le Statute de 28 *E.* 3. *cap.* 9 come appiert en *Stamford's Pl. Cor. fol.* 77 *G.* Et veies *Coke, lib* 9. *fol* 56. *a. b.*

Odio & Atia.

ODio & Atia is an old Writ mentioned in the Statute of Weſtm. 1. made in 3 E. 1. cap. 11. and it was directed to the Sheriff, to inquire whether a man committed to priſon upon Suſpicion of Murther were committed upon juſt cauſe of Suſpicion, or for Malice only. And if upon an inquiſition it were found that he were not guilty, then there came another Writ to the Sheriff to bail him. But now that courſe is taken away by the Statute of 28 E. 3. cap. 9. as it appears in Stamford's Pl. of the Crown, fol. 77. G. And ſee Coke, lib. 9. fol. 56. a, b.

Office.

OFfice nient ſolement ſignifie le function per force de quel home avoit employ en le affairs de un autre, mes auxi un Inquiſition fait al uſe del Roy de aſcun choſe per vertue de ſon Office que enquire.

Office.

OFfice doth not only ſignifie that Function by vertue whereof a Man hath ſome employment in the Affairs of another, but alſo an Inquiſition made to the King's uſe of any thing by vertue of his Office who enquireth.

Oleron Leys.

OLeron Leys, iſſint appel pur ceo que ils fuerons per *Rich.* 1. quant il fuit la, & relate al choſes concernant le Mer. *Co. Lit.* 260.

Oleron Leys.

OLeron Leys, ſo called becauſe they were were made by King Rich. 1 when he was there and relate to maritime Affairs. Co. Lit. 260.

O. Ni.

O. Ni eſt que cy toſt que le Vicount enter ſur ſon accoun' pur Iſſues, Amerciaments & mean perquiſites a marquer ſur ſon Teſte, O. *N* que eſt, Oneratur niſi habeat ſufficientem exonerationem, & deſuis il devient debtor al Roy, & un debet mis ſur ſon Teſte.

O. Ni.

O. Ni. is, that ſo ſoon as the Sheriff enters upon his Accounts for Iſſues, Amercements and mean Profits to mark upon his Head, O. Ni. which is, Let him be charged unleſs he hath a ſufficient diſcharge, and forthwith he becomes the King's debtor, and a debt ſet upon his Head.

Ordi-

Ordæl.

ORdæl is as much as to say Not guilty, and was an ancient manner of Trial in Criminal causes: for when the Defendant being arraigned, pleaded Not guilty, he might chuse whether he would put himself upon God and the Country which is upon the Verdict of twelve Men, as they are at this day, or upon God only, and therefore it was called The Judgment of God, presuming that God would deliver the Innocent; and that was, if he were of Free estate, by Fire, that is to say, to go bare-footed over nine Plow-shares fire-hot: and if he escape unhurt, he should be acquitted, and if not, then he should be condemned. And if the party were of Servile condition, then he should be tried by Water, which was in divers manners: For which see Lambert, in the word Ordalium. But now the Trial is prohibited by Parliament. See Coke, lib. 9. fol. 32. b.

Ordæl.

ORdæl est tant adire come *Expers criminis*; & fuit antient manner de Trial en Criminal Causes: car quant le Defendant, esteant arraine, plede *Rien culpable*, il puit eslier le quel il voet mitter luy mesme sur Dieu & le Pais, que est sur le Verdict de Douze homes, cõe il sont jesque a cest jour, ou sur Dieu solement; & pur ceo fuit appel *Judicium Dei*, presumant q̃ Dieu voille deliver le innocent; cestascavoir, sil fuit de Franke estate, lonq̃s p̃ Feu, cestascavoir, a passera ouster *novem Vomeres ignito nudis pedibus*: & sil escape *illæsus*, il serra acquite; & sil nemy, il serra condemne. Et si le partie fuit d un Servile condition, donque il serra trie per Ewe, que fuit en divers mañers: Pur queux veis *Lambert*, verbo *Ordalium*. Mes jammes cest Trial est ouste p̃ Parlemente. Veies *Coke, lib. 9. fol. 32. b.*

Ordelfe.

ORdelfe is, where one claims to have the Ore that is found in his Soil or Ground.

Ordelfe.

ORdelfe est, lou un claim̃ de aver le Ore que est trove en son Soile ou Terre.

Ordinary.

ORdinary is a term of the Civil Law, and there signifies any Judge that hath authority to take Conusance of Causes in his own Right, and not by Deputation. But in the Common Law it is properly taken for the Bishop of the Diocess, who is the true Ordinary to certifie Excommunications, lawful Marriages, and such Ecclesiastical and Spiri-

Ordinary.

ORdinary (*Ordinarius*) est un term̃ del Civil Ley, & en ceo signifie ascun Judge q̃ ad authority p̃ prender Conusance de Causes ẽ son droit dem̃, & nemy p̃ Deputation. Mes en le Com̃ Ley est p̃ent̃ prise p̃ l' Evesque de chesc' Dioces, q̃ est le voier Ordinary p̃ certifier Excommengement, loyal Matrimony, & tiels Ecclesiasti-

cal & Spiritual acts deins ſes Dioces, as Judges del Comon Ley; car il eſt le party a q̄ le Court doit eſcrier ſur tiels occaſions. Et uncore ceſt parol *Ordinary* eſt uſualment priſe en le Common Ley & les Statutes p̄ cheſcun Commiſſarie ou Official del Eveſque ou auter Judge Eccleſiaſtical que ad Judicial Authority deins ſon Juriſdiction, come appiert en *Coke l.* 9. *Henſloes C. fol.* 36. *b.* & le Statute *Weſtm.* 2. *c.* 19. & 31. *E.* 3. *c* 11. & pluſors auters.

tual Acts within his Dioces, to the Judges of the Common Law; for he is the party to whom the Court ought to write upon ſuch occaſions. And yet the word Ordinary is uſually taken in the Common Law and Statutes for every Commiſſary or Official of the Biſhop or other Judge Eccleſiaſtical that hath Judicial Authority within his Juriſdiction, as appears in Coke l. 9. Henſloe's C. fol. 36. b. and the Statute of Weſtm. 2. cap. 19. & 31 E. 3. cap. 11. and many others.

Orfgild.

ORfgild. ſt Pecudis Solutio vel redditio, de *Sax. Orf. Pecus*, & *Gild, Solutio, Redditio.*

Orfgild.

ORfgild ſignifies a payment or reſtoring the Cattel, from the Six. Orf. Pecus, and Guild Solutio, Redditio.

Ouſter le maine.

OUſter le maine (*Amoveas manum*) eſt un Brief direct al Eſcheator, pur deliver Seiſin ou Poſſeſſion hors des *maines* le Roy al partie, que ſue le Prief, pur ceo que les Terres ſeiſies ne ſont tenus del Roy, ou pur ceo que il ne doit aver le Gard de eux, ou pur ceo que le Title le Roy eſt determin, *&c.* Eſt auxy le Judgment done en un *Monſtrance de Droit*, ou ſur un Travers ou Petition: car quant appiert ſur le matter diſcuſſe q̄ le Roy nad Droit ou Title al choſe que il ſeiſe, adonque Judgment ſerra don que les maines le Roy ſont ouſtes; & ſur ceo un *Amoveas manum* ſerr agard al Eſcheator; que eſt tant ſi come Judgment fuit done que parry averoit ſon Terre arere. Et veies pur ceo *Stamford Prærog cap.* 24.

Ouſter le maine.

OUſter le maine is a Writ directed to the Eſcheator, to deliver Seiſin or Poſſeſſion out of the King's Hands unto the party that ſues the Writ, for that the Lands ſeiſed are not holden of the King or for that he ought not to have the wardſhip of them, or for that the King's Title is determined, &c. It is alſo the Judgment given in a Monſtrans de Droit, or upon a Traverſe or Petition: for when it appears upon the matter diſcuſſed that the King hath no Right or Title to the thing that he ſeiſed, then Judgment ſhall be given that the King's hand be amoved; and thereupon an Amoveas manum ſhall be awarded to the Eſcheator; which is as much as if Judgment were given that the party ſhould have his Lands again. And ſee for this Stamf. Prerog. cap. 24.

Ouſter le mer.

OUſter le mer is a cauſe of Excuſe or Eſſoign, if a Man appear not in Court upon Summons.

Outfangtheef.

OUtfangtheef is, that Thiefes or Felons belonging to your Land or Fee, but taken out of it, ſhall be brought back to your Court, and there judged.

Outlary.

OUtlary. See Utlary.

Owelty.

OWelt is, when there is Lord, Meſne, and Tenant, and the Tenant holds of the Meſne by the ſame Service that the Meſne holds over of the Lord above him: as if the Tenant holds of the Meſne by Homage, Fealty, and xx s. Rent, and the Meſne holds over of the Lord above by Homage, Fealty, and xx s. Rent alſo; this is called Owelty of Services.

Hearing of Records and Deeds, &c.

HEaring of Records and Deed is where an Action of Debt is brought againſt a Man upon an Obligation, and the Defendant appears, and then prays that he may hear the Obligation wherewith the Plaintiff charges him.

So it is when Executors bring an Action of Debt, and the Defendant demands to hear the Teſtament; upon this demand it ſhall be read unto him. But if it be in another Term, or after the Defendant hath im-

Ouſter le mer.

OUſter le mer eſt un cauſe de excuſe ou eſſoin ſi un home ne appiert en Court ſur Summons.

Outfangtheef.

Outfangeeth eſt, quod Latrones de Terra veſtra vel Feodo veſtro, extra Terram veſtram vel Feodum veſtrum capti, ad Curiam veſtr̃ revetantur, & ibidem judicentur.

Outlary.

Outlary. Veies *Utlary.*

Owelty.

Owelty eſt, quant il y ad Seignior, Meſne, & Tenant, & le Tenant tient del Meſne p meſme les Services que le Meſne tient ouſter de le Sñr paramount: come ſi le Tenant tient del Meſne per Homage, Fealty; & xxs. de Rent annuelment, & le Meſn̄ tient ouſter de l' Sñr Paramnount p Homage, Fealty, & xx s. Rent auxy; ceſt apelle *Owelty* de Services.

Oyer de Records & Faits, &c.

Oyer de Records & Faits eſt, ou un Action de Det eſt port envers un home ſur un Obligation, & le Defandant appeare, & donques prie que il poit *Oyer* le Obligation oveſque que le Plaintiſe charge luy.

Iſſint eſt quant executors port un Action de Det, & le Defendāt demād *Oyer* del Teſtament; ſur ceſt demand il ſerra lie al luy. Mes ſi ſoit en un auter Terme, ou apres que le Defendant ad imparle,

donq; il navera le *Oyer*. Et iſſint come eſt dit de Faits, eſt deſtr̃ entende de Records que ſont alledge envers luy. Mes en B. R. le Defendant poit al aſcun temps devant Plea, & le Plaintife aver *Oyer* del Fait ou Record. Veies le Title *Monſtrans de Faits*.

parled, then he ſhall not hear it. And ſo as is ſaid of Deeds, is to be underſtood of Records that are alledged againſt him. But in the Kings Bench the Defendant may at any time before Plea, and and Plaintiff have Oyer of Deed and Record. See the Title Monſtrans de Fait.

Oyer and Terminer.

OYer & Terminer eſt Brief appel en *Latin de Audiendo & Terminando*, & giſt q̃nt aſc' grand ou ſodain Inſurrection eſt fait, ou aſc' auter ſodain Tranſgreſſion, que requir̃ haſty reformation ; donque le Roy directera un Commiſſion a certain Juſtices *de Audiendo & Terminando*.

Nota, que les Juſtices de Aſſiſe ont un Commiſſion de *Oyer & Terminer* direct al eux, & divers auters inhabitants deins les Counties as queux lour Circuit extende, dont chefc' de les Juſtices de Aſſiſe ſont del *Quorum*, pur le meulx oyer & determiner de divers Offences queux poient avener en lour Circuit, quel ſans cel Commiſſion eux ne poient fair'. Veis *Fitzh. N. B. fol.* 110. *b*.

Oyer and Terminer.

OYer and Terminer is a Writ called in Latin, de Audiendo & Terminando, and it lies where any great or ſudden Inſurrection is made, or any other ſudden Treſpaſs, which requires haſty Reformation; then the King ſhall direct a Commiſſion to certain Juſtices to hear and to determine the ſame.

Note, That the Juſtices of Aſſiſe have alſo one Commiſſon of Oyer and Terminer directed to them, and divers other Inhabitants within the Shires whereunto their Circuit extends, whereof each of the Juſtices of Aſſiſe are of the Quorum, for the hearing and determining of divers Offences which may happen in their Circuit, which without this Commiſſion they could not do. See Fitzh. N. B. fol. 110 b.

O yes.

OYes eſt un c rruption del Fr. parol Oyer, i. e. Hear ye, quel eſt uſe en Courts pur faire Proclamation.

O yes.

OYes is a corruption of the French word Oyer, i. e. Hear ye, which is uſed in Courts to make Proclamation.

P.

Paine fort & dure.

PAine fort & dure eſt un particular Puniſhment pur tiels que eſteant ar-

P.

Paine fort & dure.

PAine fort & dure is an eſpecial Puniſhment for ſuch as, being arraigned for Felony, refuſe

refuſe to put themſelves upon the common Trial of God and the Country, and thereby are Mute, or as Mute in Law. See this at large in Stamford Pl. Cor. fol. 150.

Palace Court.

PAlace Court, is a Court of Record, erect by King James by his Letters Patents, and held at Southwark, and is a Court of Common Law. See Marſhalſea.

Pannage.

PAnnage. See Paunage.

Pannel.

PAnnel comes of the French word Panne, that is, a Skin, and ſignifies in our Common Law a Schedule or Roll containing the names of the Jurors which the Sheriff hath returned to paſs upon any Trial. And therefore the Empannelling of the Jury is nothing but the entring of their Names into the Sheriffs Roll.

Pape, *or* Pope.

PApe (Papa) is a name that ſignifies Father, and anciently was applied to other Clergy-men in the Greek Church; but by uſage is particularly appropriated in the Latine Church to the Biſhop of Rome: a name very frequent in our ancient Year-Books, eſpecially in the times of thoſe Kings, who, too much abandoning their Imperial Authority, and abaſing themſelves beneath their eſtate, ſuffered an Alien, an Outlandiſh Biſhop that dwelt 1000 miles off, to take from them the diſpoſition

pur Felony, refuſont de mitter eux meſme ſur le uſual Trial de Dieu & le Pais, & per ceo ſont Mute, ou come Mute en Ley. Veies ceo a large en *Stamford. Pl. Cor. fol.* 150,

Palace-Court.

PAlace-Court eſt un Coure de Record erect per le Roy *James*, per ſes Letters Patents teigne a *Southwark*, & eſt un Court de Common Ley. Veies *Marſhalſ.a.*

Pannage.

PAnnage. Veies *Paunage.*

Pannel.

PAnnel venuſt del parol Francois *Panne*, id eſt, *Pellis*, & ſignifie en noſtre Comon Ley un Schedule ou Rolle que conteine les noſms des Jurors queux l' Viſcount ad retorn de paſſer ſur aſcun Trial. Et pur ceo le *Impanneller* del Jury neſt riens forſq; le Entry de lour noſmes en le Rolle le Viſcount.

Pape.

PApe (Papa) eſt un noſme q̃ ſignifie *Pater*, & ancientm nt fuit apply al auter Clergy-men en le *Greek* Egliſe; mes p uſage eſt particulerment approprie en le *Latin* Eſgliſe al Eveſque de *Rome*: un noſme mult frequent en noſtre ancient Annuels Livres, ſpecialm̃t en le temps de ceux Roys, quex, grandm̃t abandonants leur Imperial Authoritie, & abaſans eux meſmes debaſe lour Eſtate, ſuffer un Alien, un outlandiſh Eveſque, q; inhabit 1000 miles deux de toller d'eux le diſpoſition

de pluſeurs Spiritual Preſermẽts, aſcun temps p Lapſe, & aſcun temps per Proviſion, ou autermt. Pur rédreſſ. à quel divers Statutes ont eſte fait pendant que le Royalme fuit de la *Roman* Communion ; mes tout ſon Povoir ne fuit tolle jeſque vers la fin del Reigne de Roy *Henry* le huict.

of many Spiritual præferments, ſometimes by Lapſe, ſometimes by Præviſion, or otherwiſe. For redreſs whereof divers Statutes were made while the Kingdom was of the Roman Communion ; but his whole Power was not taken away till towards the latter end of Henry the Eighth's Reign.

Paramount.

PAramount eſt un pol compound de deux pols *Francois*, (*par*, i. e. *per*, & *monter*, i. e. *aſcendere*,) & ſignifie ẽ nr̃e Ley le plus Hault Sr̃ del Fee. Pur le melieur entelligence de ceo, veies *F. N. B. f.* 135. *M.* en ſon Bꝛe d. *Meſne*.

Paramount.

PAramount is compounded of two French words (par and monter ;) and it ſignifies in our Law the Higheſt Lord of the Fee. For the better underſtanding of this, ſee F. N. B. f. 135. M. in his Writ of Meſne.

Paraphernalia.

PAraphernalia, Græce Παραφέρνα à παρὰ præter, & φερνη dos. Quare *Paraphernalia* ſunt bona q; ſponſa ſecum fert præter cõſtitutã dotẽ. 1 *Cro.* D. *Haſtings* vers *Douglas*.

Paraphernalia.

PAraphernalia, in Greek Παραφέρνα à παρὰ præter, & φερνη dos. They are Goods which a Wife challengeth above her Dower. 1 Cro. Lord Haſtings againſt Douglas.

Paravaile.

PAravaile eſt un pol q̃ auxy eſt cõpound de deux pols *Francois*, (*par*, i. e. *per*, & *availer*, i. e. *dimittere* ;) & ſignifie en nr̃e Ley le plus Baſe Tenant del Fee, q; eſt Tenãt al un q; tenuſt ouſt' del aut'. Veies p le uſe de ceſt pol *F. N. B.* en ſon Bꝛe de *Meſne*, *f.* 135. *M.*

Paravaile.

PAravaile is alſo compounded of two French words, (par, and availer ;) and ſignifies in our Law the loweſt Tenant of the Fee, who is Tenant to one that holds over of another. See for the uſe of this word, F. N. B. in his Writ of Meſne, f. 135. M.

Parceners.

PArceners ſont ſolonque le courſe de Common Ley, & ſolonque le Cuſtome. *Parceners* ſolonque le *Common Ley* ſont, lor un ſeiſie d'un Eſtate d'enheritance des Tenements ad iſſue forſque Files, & devie, & les Tene-

Parceners.

PArceners are accoꝛding to the courſe of the Common Law, and accoꝛding to Cuſtom. Parceners accoꝛding to the Common Law are, where one ſeiſed of an Eſtate of Inheritance of Tenements hath no Iſſue but Daughters, and dies, and the

Tenements

Tenements descend to the Daughters; then they are called Parceners, and are but as one Heir. The same Law is, if he have not any Issue, and that his Sisters should be his Heirs. But if a Man hath but one Daughter, she is not called Parcener, but the Daughter and Heir. And if there are no Daughters nor Sisters, the Land shall descend to the Aunts, and they are called Parceners.

When Lands descend to divers Parceners, they may make Partition between themselves by Agreement; but if any of them will not make Partition, then the others shall have a Writ de Partitione facienda directed to the Sheriff, who shall make Partition between them by the Oath of xij. lawful men of the Bailywick.

Also Partition by Agreement may be made by the Law, as well by Word without Deed, as by Deed. And if they are of full Age, the Partition shall remain for ever, and shall never be defeated.

But if the Lands be to them in tail, though they are concluded during their Lives, yet the Issue of him who hath the lesser part in value may disagree from the Partition; and enter and occupy in common with the other part. And if the Husbands of the Parceners make Partition, when the Husband dies the Wife may disagree from the Partition. Also if the Parcener who is within Age makes Partition, when she comes to full age she may disagree. But she must take good heed when she comes to her full Age, that she take not all the Profits to her own use of the

ments discendont a les Files; donque ils sont appel *Parceners*, & sont forsque un Heire. Mesme le Ley est, si neyt ascun Issue, & que ses Sores serroient ses Heires. Mes si home ad forsque un File, el nest dit *Parcener*, mes la File & la Heire. Et si ne sont Files ne Soers, les Terres descenderont a les Aunts, & els sont *Parceners*.

Quant Tres discendont a divers *Parceners*, els poient faire Partition enter eux per Agreement; mes si asc' d'eux ne voilent faire Partition. donque les auters averont un Brief *de partitione faciendâ* direct al Viscount, que ferra Partition enter eux per le serement de xij. loyals homes de sa Bailywike.

Auxy Partition per Agreement poiet estre fait p̄ le Ley, auxy bien per Parol sans Fait, come per Fait. Et si ils sont đ pleine age, la Partitiō touts jours demurreta, & ne serra unques defete.

Mes si les Tres sont a eux en le taile, com̄t que ils sont concludes durant lour vies, uncore l'Issue cestuy q; ad le meinder part en value poit disagree a la Partition, & ent' & occupier ē common oves̄q; l'auter part. Et si les Barons des Parceners font Partition, quant le Baron devie la Feme poit disagree a la Partition. Aux' si le *Parcener* q; est deins age fait Partition, quant el vient a son pleine age el poit disagreer. Mes el covient bien garder quant el vient a son pleine age, q̄ el ne preigne touts les Profits a son use demesne des Tres que fueront

a luy alottes; car donques el ſoy agree al le Partition: & le plein age ſerra touts foits entende al age de 21 ans.

Auxy ſi ſont divers Parceners que ont fait Partition enter eux, & le part d'un ſoit recover vers luy p̄ Title loyal; donques el compellera les auters de faire novel Partition.

Parceners ſolonque le *Cuſtome* ſont, lou home eſt ſeiſie de Tres en *Gavelkind*, come en *Kent*, & auters lieux franchiſes, & ad iſſue divers Fits, & devie; donque les Fits ſont *Parceners per le Cuſtom.*

lands which were to her allotted; for then ſhe agrees to the Partition: and the age ſhall always be intended the age of one and twenty years.

If there be divers parceners that have made Partition between them, and one of their parts is recovered by lawful Title; then ſhe ſhall compel the other to make a new Partition.

Parceners according to Cuſtom are, where a Man is ſeiſed of Lands in Gavelkind, as in Kent, and other places franchiſed, and hath Iſſue divers Sons, and dies; then the Sons are Parceners by Cuſtom.

Parco fracto.

Parco fracto.

P*Arco fracto* eſt un B̄re que giſt vers ceſtuy q̄ enfreint aſc' Pound, & priſt hors d̄ ceo aſcuns avers queux ſont la loyalment impounds. Veies d̄ ceo *F.N.B. f.* 100. *E.*

PArco fracto is a Writ that lies againſt him that breaks any Pound, and takes out the Beaſts which are there lawfully impounded. See of this F. N. B. 100 E.

Park.

Park.

P*Ark* eſt un lieu en q̄ per perſcripc̄on ou p̄ grant de Roy, un Subject preſerve ſon game des avers *feræ naturæ.* Veies Stat. *Weſtm.* 1. 3 *E.* 1. *cap.* 20.

PArk is a place in which by Preſcription or by the King's Grant, a Subject preſerves his Game of Beaſts feræ naturæ. See Stat. W. 1. 3 E. 1. cap. 20.

Parliament.

Parliament.

P*Arliament.* Veies le S̄nr *Cooks* 4 Inſtitut. & Monſieur *Cowels* Interpreter, title *Parliament.*

PArliament. See the Lord Cook's 4th Inſtitutes, and Mr. Cowel's Interpreter, Title Parliament.

Parſon imparſonee.

Parſon imparſonee.

P*Arſon imparſonee* eſt ceſtui q' eſt ē poſſeſſion dun Eſgliſe appropr̄ ou p̄ſentative; car iſſint eſt uſe ē ābideux caſes ē *Dyer, f.* 40. *b.* & *f.* 221. *b.*

PArſon Imparſonee is he that is in poſſeſſion of a Church appropriate or preſentative; for ſo it is uſed in both caſes in Dyer, f. 40. b. and f. 221. b.

Par-

Parties.

PArties to a Fine or Deed are those which are named in a Deed or Fine as Parties to it; as those that levy the Fine, and they to whom the Fine is levied. And they that make a Deed of Feoffment, and they to whom it is made, are called Parties to the Deed: and so in many other like cases.

Note, that if an Indenture be made between two as Parties thereto in the beginning, and in the Deed one of them grants or lets a thing to another who is not named in the beginning, he is not Party to the Deed, nor shall take any thing thereby.

Partition.

PArtition is a Dividing of Lands descended by the Common Law, or by Custome among Co-heirs or Parceners, where there are two at least, whether they be Sons, Daughters, Sisters, Aunts, or otherwise of kin to the Ancestor from whom the Land descended to them.

And this Partition is made four ways for the most part; whereof three are at pleasure and by Agreement among them, the fourth is by Compulsion.

One Partition by Agreement is, when they themselves divide the Land equally into so many parts as there are of them Coparceners, and each to chuse one share or part, the Eldest first, and so the one after the other, as they be of age; except that the eldest by consent made the Partition, then the choice belongs to the next, and so the eldest last, according as it is said, Who makes

Parties.

P*Arties* al Fine ou Fait sõt ceux queux sont nosmes en Faits ou Fines come *Parties* a ceo; come ceux queux levie le Fine, & ils a q; le Fine est levie. Et ils que font un Fait de Feoffmt, & ils a que il est fait, sont appelles *Parties* al Fait: & issint en auters semblables cases.

Nota, que si un Indenture soit fait enter deux cõe *Parties* a ceo ẽ le cõmencement, & en le Fait un d'eux grant' ou lessa un chose al un auter q; nest nosme en le cõmencement, il nest *Partie* al Fait, ne prendra riens per ceo.

Partition.

P*Artition* est un Division de Terres descendus per le Common Ley, ou per Custome, perenter Coheirs ou Parceners, ou ils sont deux al meines, soient ils Fitz, Fils Soers, Aunts, ou autrement de kin al Ancestour de que le Terre discende al eux.

Et ceest *Partition* est fait quater voies p̃ le pluis part; de q; trois sont al pleasure & p̃ Agreement penter eux, le quart est per Compulsion.

Un *Partition per Agreement* est, quãt ils mesmes divide le Tre equalment en tants parts cõe la sont d'eux *Coparceners*, & chesc' d' eslier un share ou part, l'eigne primerm̃t, & issint l'un apres l'auter, cõe ils sont d'age; si non q; le eigne per consent fait le Partition, donques l'Election appertiẽt al pcheine, & issint al eigne darreinement, accordant cõe

il

ſi eſt dit, *Cujus eſt Partitio, alterius eſt Electio.*

Un aut' *Partition per Agreement* eſt, quant ils eſſiont certain de lour Amies de faire Diviſion pur eux.

Le tierce *Partition per Agreement* eſt, per trahens de Lots, iſſint: Primerm̃t de divider le Tr̃e en tants des p̃ts come la ſont *Parceners*; donques a ſcriber cheſc' part ſeveralmẽt ẽ un petit Scroll, ou peece d̃ paper ou parchm̃t, & d̃ mitter ceux Scrolls cloſe en un Hat, Cap, ou auter tiel ſemblable choſe; & donq̃s cheſc' Parcener, un aſ̃s auter, come ils ſont d' age, a traher un peece ou Scroll ẽ q̃; eſt eſcript un part del Tr̃e, que per ceſt Trahens eſt ore ſeveralment allotre al eux en Fee-ſimple.

Le quart *Partition*, que eſt *per Compulſion*, eſt, lou un ou aſcun d' les Coparceners voilent aver Partition, & auters ne voilent agreer a ceo; donques ceux que iſſint voilent aver Partitiõ poyent porter un Brief *De Partitione facienda* envers les auters queux ne voilent faire Partition, per vertue d̃ quel ils ſerront compel d̃ parter, &c.

En *Kent*, lou les Terres ſõt d' *Gavelkind*-nature, ils appel a ceſt jour lour Partition *Shifting*, il meſme parol que les *Saxons* uſe, noſmem̃t *Shiftan*, que ſignifie pur fair Partition perenter Coheires, & p̃ aſſigner a cheſcun d̃ eux lour portion. En *Latin* eſt appeile *Herciſcere.*

Partition auxy poit eſt̃ fait per Joyntenants ou Tenants en common per lour aſſent, p̃ Fait enter eux, ou p̃ Brief, p̃

the Partition, the other muſt have the Choice.

Another Partition by Agreement is, when they chuſe certain of their Friends to make Diviſion for them.

The third Partition by Agreement is by drawing Lots, thus: Firſt, to divide the Land into ſo many parts as there are Parceners; then to write every part ſeverally in a Little Scroll, or piece of Paper, or Parchment, and put the ſame Scroll up cloſe into a Hat, or Cap, or other ſuch like thing; and then each Parcener, one after another as they are in Age, to draw one piece or Scroll wherein is written a part of the Land, which by this Drawing is now ſeverally allotted to them in Fee-ſimple.

The fourth Partition, which is by Compulſion, is when one or ſome of the Coparceners would have Partition, and other ſome will not agree thereto; then they that ſo would have Partition may bring a Writ De Partitione facienda againſt the others that would not make Partition, by virtue whereof they ſhall be compelled to paſt, &c.

In Kent, where the Lands are of Gavelkind-nature, they call at this day their partition Shifting, even the ſame Word that the Saxons uſed, namely Shiftan, which ſignifies to make partition between Co-heirs, and to aſſign to each of them their portion. In Latin it is called Herciſcere.

Partition alſo may be made by Jointenants or Tenants in common by their aſſent, by Deed between them, or by

Writ

writ, by the Statutes of 31 H. 8. cap. 1. and 32 H. 1. cap. 32.

Paſsport.

PAſport is a word mentioned in the Statute of 2 E. 6. cap. 2. and ſignifies a Licence made by any that hath Authority, for the ſafe paſſage of any man from one place to another.

Patron.

PAtron is he that hath the Advowſon of a Parſonage, Vicarage, Free-chappel, or ſuch like Spiritual promotion, belonging to his Manor, or otherwiſe in groſs, and thereby may or ought to give the ſame Benefice, or preſent thereto when and as often as it becomes void. And this being Patron, or Patronage, had beginning for the moſt part by one of theſe three ways: namely, either by reaſon of the Foundation, for that the Patron or his Anceſtors, or thoſe from whom he claims, were Founders or Builders of the Church; or by reaſon of Donation, for that they did endow or give Lands to the ſame for maintenance thereof; or elſe by reaſon of the Ground, becauſe the Church was ſet or built upon their Soil or Ground: and many times by reaſon of all three.

Paunage *or* Pannage.

PAunage or Pannage, is that money which the Agiſtors of Foreſts do gather for the feeding of Hogs within the Foreſt: and it is alſo taken for all manner of Maſt of Trees within the Foreſt on which the Hogs do feed. See Manw. For. Laws, chap. 12. fol. 90. a.

les Statutes d 31 *H.* 8. *cap.* 1. & 32 *H.* 8. *cap.* 32.

Paſport.

P*Aſport* eſt un parol mention en le Statute 2 *E.* 6. *cap.* 2. & ſignifie un Licence fait per aſc' que ad authority, pur le ſafe *paſſage* daſcun hõs del un lieu al auter.

Patron.

P*Atron* eſt celuy q̃ ad l'Advowſon d' un Parſonage, Vicarage, Frãk-chappel, ou tiels ſẽbl' Spiritual Promotiõs, appertient a ſon Mannor, ou auterment en groſſe, & per ceo poit ou doit doner meſme l' Benefice, ou preſent a ceo, quant & cy toſt q̃ il devient voide. Et ceſt eſteant *Patron*, ou *Patronage*, ad commencement pur l' pluis part per un d ceux troyes voyes: noſmemt, ou *ratione Fundationis*, pur ceo que l' Patron ou ſes Aunceſtors, ou ceux d q̃ il claime, fueront Founders ou Edifiers de l'Eſgliſe; ou *ratione Donationis*, pur ce q̃ ils endowe ou done Terres al ceo pur maintenance; ou auterm̃t *ratione Fundi*, pur ceo q̃ le Eſgliſe ſuit mis ou edifie ſur lour ſoile ou terre: & divers temps p reaſon de touts trois.

Paunage ou *Pannage.*

P*Aunage* ou *Pannage*, (*Pannagium*) eſt ceo argent que les Agiſtors des Forreſts coll & pur l' feeder des Porcels deins l' Forreſt, & eſt auxy priſe pur touts manners del Maſt des arbres deins l' Forreſt, d q̃ les Porcels feed. Veies *Manw. For. Leys, c.* 12 *f.* 90. *a.*

Peculiar.

Peculiar.

PEculiar eſt un particular Pariſh ou Egliſe que avoit Juriſdiction deins luy meſme pur probat de Teſtaments exempts des Courts del Ordinary ou Eveſque.

Peculiar.

PEculiar is a particular Pariſh or Church, that hath Juriſdiction within it ſelf, for Probat of Wills, &c. exempt from the Ordinary or Biſhops Courts.

Peers.

PErs ſont ceux q̄ ſont impañels en un Enqueſt ſur aſcun home, pur l' convicter ou acquiter d' luy d' aſc' offence pur que il eſt en queſtion. Le reaſō d' ql' appellation de Jury eſt p̄ ceo, que *Peers* venuſt del *Latin Pares*, id eſt, *Egals*; & le cuſtome d noſtr̄ Nation eſt, pur trier cheſcun home per ſes *Egals*, ceſtaſcavoire, per ſes *Peers*. Et iſſint appiert p̄ l' Statutes de *Mag. Charta*, *cap* 29. *& Weſt.* 1. *cap.* 6. Ceſt parol eſt auxy uſe pur le Nobility del Realm & les Seigniours del Parliament, queux ſont appelles *les Peers del Realm.* Et de ceo veies *Stamf. Pl. Coron. lib.* 3. *cap.* 1. *fol.* 152.

Peers.

PEers are thoſe that are impannelled in an Enqueſt upon any man, for the convicting or clearing him of any Offence for which he is called in queſtion. The reaſon of which appellation of the Jury is, for that Peers comes from the Latin Pares, that is, Equals; and the Cuſtom of our Nation is, to try every man by his Equals, that is to ſay, by his Peers. And ſo it appears by the Statutes of Magna Charta, cap. 29. & Weſt. 1. cap. 6 This word is alſo uſed for the Nobility of the Realm and Lords of the Parlament, who are called the Peers of the Realm. And of that ſee Stamf. Pl. of the Crown, lib. 3. cap 1. fol. 152.

Perambulatione facienda.

PErambulatione facienda eſt un Brē q̄ giſt lou 2 Sñries giſont un pres lauter, & aſcun Encrochment eſt fait p̄ long tēps; donq̄s p̄ aſſent d ambid Seigniours, l' Viſcount prendera oveſq, luy les parties & les vicines, & fieront *Perambulation*, & fieront les Meres come ils fueront a devant. Mes ſi un Seigniour encroach ſur lauter, & ne voile faire Perambulation, donques le Seigniour iſſint grieve avera Brief vers lauter, que

Perambulatione facienda.

PErambulatione facienda is a Writ that lies where two Lordſhips lie one nigh another, and ſome Encroachment is made by long time; then, by aſſent of both Lords, the Sheriff ſhall take with him the parties and the neighbours, and ſhall make Perambulation, and ſhall make the Bounds as they were before. But if a Lord encroach upon another, and he will not make Perambulation, then the Lord ſo grieved ſhall have a Writ againſt the other, which

is called de Rationalibus divisis.

Perjury.

PErjury is a corrupt or voluntary false Oath given in Chancery or in Evidence to a Jury upon Trial of an Issue at Common Law. See Stat. 5. El. cap 9.

Perinde valere.

PEride valere is a term that belongs to the Ecclesiastical Law, and signifies a Dispensation granted to a Clerk who not being capable of a Benefice or other Ecclesiastical Function, is de facto admitted to it. And it hath the Name from the words which make the faculty as effectual to the party, as if he were actually capable of the thing for which he hath his Dispensation at the time of his Admittance.

Per my & per tout.

A Joint-Tenant is said to be seised of the Lands that he holds jointly, per my & per tout, i. e. he is seised by every parcel, and by the whole.

Pernor of profits.

PErnor of Profits is he that takes the Profits. Pernor of Profits and Cestuy que use is all one, Coke, lib. 1. Casu Chudley. fol. 123.

But one may be Pernor of, &c. and not Cestuy que use by Title, but by Covin, which see Co. 5. 77, 78. Co. Ent. 698. 2 Leo. rep. 16. 2 Anderson. 25. Stat 11. H. 6. 3

est appelle *de Rationalibus divisis.*

Perjury.

P*Erjury* est un corrupt ou voluntary faux serement done en Chancery ou en Evidence al Enqueſt sur tryal dun issue al Common Ley. Vide Stat. 5 *El. cap.* 9.

Perinde valere.

P*Erinde valere* est un terme que appent al ley Ecclesiastical, & signifie un dispẽsation graunt al un Clerk, que nesleant capable dun Benefice ou autre Ecclesiastical Function est *de facto* a ceo admit. Et avoit cest appellation des parols que font l' faculty cy effectual al party, sicõe il fuit actualment capable del chose per que il ad son Dispensation al temps de son admittance.

Per my & per tout.

UN Joynt-tenant est dit de est e seisie des Terres que il tient joyntment, *per my & per tout, i. e.* il est seisie per chescun parcel & per tout.

Pernor de Profits.

P*Ernor de Profits* est il que prend les Profits. *Pernor de Profits & Cestuy que use est tout mesme, Coke lib.* 1. *Casu Chudley, fol.* 123.

Mes un poit, cẽ *pernor, &c.* & non cestuy q̃ use per title mes per Covyn, quel veies *Coke* 5. 77, 78. *Co. Ent.* 698. 2 *Leo. rep.* 16. 2 *Anderson.* 25. *Stat.* 11. *H.* 6. 3.

Perpe-

Perpetuity.

PErpetuity eſt uſe en Ley ou un eſtate eſt iſſint deſign deſtre ſettle en tail, &c. q̄ ceo ne poet ẽe defait ou anient. Quel le ſtate Angleterr ne poit porter, come eſt dit in fine caſus, *Moo. rep.* 809. 810. *Cok* 1.84.130. *Co.* 6. 40. *& lib.* 8. 90.

Perpetuity.

PErpetuity is uſed in Law where an Eſtate is ſo deſigned to be ſettled in Tail, &c. that it cannot be undone or made void. Which the State of England cannot bear, as it ſaid in the end of the caſe. Moo. rep. 809, 810. Co. 1. 84. 130. Co. 6. 40 & l. 8. 90.

Per quæ ſervitia.

PEr *quæ ſervitia* eſt un Brief judicial, q̄ iſſuiſt del Note dun Fine; & giſt pur l'Conuſee d'un Manor ou Seigniory, pur compel ceſtuy que eſt Tenant del Terre al tẽps del Fine levy p̄ attorne a luy. Et de ceſt Brief veies *Vieux N.B. fol.* 170. *a.*

Per quæ ſervitia.

PEr quæ ſervitia is a Writ Judicial, and goes out upon the Note of a Fine; and it lies for the Conuſee of a Mannor or Seigntory, to compel him that is Tenant of the Land at the time of the Fine levied to attourn to him. And of this Writ ſee the Old N.B. f. 172 a.

Perquiſites.

PErquiſites ſont Advantages & Profits queux vient al un Manor p̄ caſualty, & non annuelment; come Eſcheats, Harriots, Relieſes, Waiſes, Eſtrayes, Forfeitures, Amerciamts ẽ Courts, Biẽs & Terres purchaſe p̄ Villeins de m̄ l'Manor, Fines del Copiholds, & divers ſemblables choſes queux ne ſont certaine, mes happe per chance, aſcun temps pluis often que a auter temps. Vide *Perkins fol.* 20. *&* 21.

Perquiſites.

PErquiſites are Advantages and Profits that come to a Mannor by caſualty, and not yearly; as Eſcheats, Harriots, Reliefs, Waiſes, Eſtrays, Forfeitures, Amerciaments in Courts, Goods and Lands purchaſed by Villains of the ſame Mannor, Fines of Copiholds, and divers other like things that are not certain, but come by chance, ſometimes more often than at other times. See Perkins, fol. 20. & 21.

Perſonalty.

PErſonalty: come le Action eſt ẽ le *Perſonalty*, ceſt aſcavoir, port envers le droit p̄ſon, ou le perſon envers q̄l en Ley il giſt.

Perſonalty.

PErſonalty: as the Action is in the Perſonalty, that is, to ſay, brought againſt the right perſon, or the perſon againſt whom in Law it lies.

Petit Cape.

PEtit *Cape* eſt un Brief q̄ giſt quant aſcun Action

Petit Cape.

PEtit Cape is a Writ that lies when any Actions Real, that is

is to say, of Plea of Land, is brought, and the Tenant appears, and afterward makes Default; then this Petit Cape shall go forth to seise the Lands into the King's hands. But if he appears not at the first Summons, then a Grand Cape shall go forth; and for such Default the Tenant shall lose the Land. But if he wage his Law of Non-summons, he shall save his Default, and then he may plead with the Demandant. And in Grand Cape the Tenant shall be summoned to answer to the Default, and farther to the Demandant: But in Petit Cape he shall be summoned to answer to the Default only, and not to the Demandant. And it is called Petit Cape, for that there is less in this Writ than in the other.

Pettybag.

PEttybag is an Office in the Court of Chancery, for Suits for any against Attorners and Officers of that Court; And for process and proceedings by extents on Statutes, Recognizances, Ad quod dampnum, &c. Parva Baga dicitur.

Petit Serjeantie.

TO hold by Petit Serjeantie is as if a Man held Lands or Tenements of the King yielding him a Knife, a Buckler, an Arrow, a Bow without string, or other like Service at the will of the first Feoffor; and there belong not Ward, Marriage or Relief. And mark well, that a man may not hold by Grand or Petit Serjeanty, but of the King. See the Stat. 12. Car. 2. cap. 24.

Real, cestascavoire, de Plee de Terre, est port, & le Tenant appeare, & puis fait Default; donques issera cest *Petit Cape*, de seiser les Terrs in mains le Roy. Mes si sil ne apper' al primer Sumons, donques issera un *Graund Cape*, & pur riel Default le Tenant perdra a Terre. Mes sil gage son Ley de Non-summons, il savet son Default, & donques il poit plade ovesque le Demandant. Et in *Grand Cape*, le Tenant serra summon pur responder al Default, & ouster al Demandant. Mes Mes en *Petit Cape* il serra summon pur responder al Default solement, & nemy al Demandant. Et est appelle *Petit Cape*, pur ceo que il ad *minus* en cel Brief que en lauter.

Pettybag.

PEttybag est un Office en le Court de Chancery pur suits, pur & envers les Attornies & Officers de cel Court. Et pur proces & proceedings p extents sur Statutes & Recognisances: *Ad quod dampnum*, &c. *Parva baga dicitur.*

Petit Serjeantie.

TEner p Petit Serjeantie est sicome un home tiet de Roy Terres ou Tenemēts, rendant a luy un Cuttel, un Escue, un Sert', un Arc sans cord, ou aut' semb' Services a la volunt le primer Feoffor; & la nappent Gard, Marriage ne Relief. Et nota, que hom ne poit tener per Grand Serjeantie ne per *Petit Serjeantie*, si non del Roy. Veies le *Stat.* 12. *Car.* 2. *cap.* 24.

Petit Treaſon.

PEtit Treaſon eſt un Treaſon de meinder degree ; come ſi Servant tue ſon Maiſtre, un Feme ſa Baron, ou un home de Religion ſon Prelate.

Petit Treaſon.

PEtit Treaſon is a Treaſon of a lower degree ; as if a Servant kill his Maſter, a Wife her Husband, or a Religious Man his Prælate.

Piccage.

PIccage (*Piccagium*) eſt le payment des deniers, ou les deniers, paies pur le infriender del ſoile p̄ erecter Tents ou Settles en Faires.

Piccage.

PIccage is the payment of money, or the Money paid for the breaking of the ground to ſet up Booths and Standings in Fairs.

Picle ou *Pitle.*

PIcle ou *Pitle*, ſemb' de veñ del *Italian Piccolo*, *Parvus*, & ſignifie oveſq; nous un Petit Cloſe on Incloſure.

Picle *or* Pitle.

PIcle, or Pitle, ſeems to come from the Italian Piccolo, Parvus, and ſignifies with us a little ſmall Cloſe or Incloſure.

Pillory.

PIllory eſt un Engine d̄l penance ordeiñ p̄ le ſtatute de 51 *H.* 3. p̄ le puniſhment des Piſtors ; mes a ore uſe p̄ p'uſors auters Offendors. Et eſt appel en *Latine Colliſtrigium.*

Pillory.

PIllory is an Engine of puniſhment ordained by the Statute of 51 H. 3. for the puniſhment of Bakers; but now uſed for many other Offendors, and is called in Latine Colliſtrigium.

Pipowders.

PIpowders eſt un Court que eſt incident a'chel' Fair, p̄ le determination de differences ſur cōtract & tours diſorders en c̄ commiſe. Veies pluis de c'o *Cromp. Juriſd. fol.* 229, *Coke, lib.* 10. *fol.* 73.

Pipowders.

PIpowders is a Court which is incident to every Fair, for the determination of differences upon Bargains and diſorders therein. See more hereof Crom. Juriſd. fol. 229. Coke, lib. 10. fol. 73.

Piſcary.

PIſcary eſt un Liberty del Piſcher en le ewe dun auter, ou de ſoy meſme.

Piſcary.

PIſcary is a Liberty of Fiſhing in another mans waters, or his own.

Placard.

PLacard eſt un parol uſe en les Statutes de 33 *H.* 8. *cap.* 6. *&* 2. 3 *M. cap.* 9. & & ſignifie un Licence pur uſer illoyal Games, ou de ſhooter en un Bombarde.

Placard.

PLacard is a word uſed in the Statute of 33 H. 8. cap. 6. & 2 & 3 Ma. cap. 9. and it ſignifies a Licence to uſe unlawful Games, or to ſhoot in a Gun.

Plaintiff.

Plaintiff.

PLaintiff is he that ſues or complains in an Aſſiſe, or in an Action perſonal; as in an Action of Debt, Treſpaſs, Diſceit, Detinue, and ſuch other.

Pledges.

PLedges are Sureties either real or formal which the Plaintiff finds to proſecute his ſuit.

Pleading.

PLeadings are all the Sayings of the parties to Suits after the Count or Declaration; namely, that which is contained in the Bar, Replication, and Rejoynder; and not that contained in the Count it ſelf: and therefore defaults in the matter of Count are not compriſed within Miſpleading, or inſufficient Pleading, nor are remedied by the Statute of Jeofails, 32 H. 8. but only the Miſpleading or inſufficient Pleading committed in the Bar, Replication and Rejoynder, are there provided for. But ſee thoſe now remedied alſo by the Statute of 18 Eliz. cap. 13.

Plegiis acquietandis.

PLegiis acquietandis is a Writ that lies for a Surety againſt him for whom he is Surety, if the Money be not paid at the day. N. B. 137. Reg. Brev. 158.

Plenartie.

PLenartie is, when a Benefice is full, directly contrary to Vacation, which ſignifies the being void of a Benefice, Stamf. Prerog. cap 8 fol. 32.

Plevyn, See Replevyn.

Plaintiff.

P*Laintiff* eſt celuy que ſue ou *complain* en un Aſſiſe, ou en un Action Perſonal, come en un Action de Det, Treſpas, Deſceit & Detinue, & tiels ſemblables.

Pledges.

P*Ledges* ſont Sureties ou real ou formal queux le Plaintiff trove a proſecuter ſon ſuit.

Pleading.

P*Leadings* ſont touts Acts del Parties al Suits apres le Count ou Declaration; noſmement ceo que eſt containe en le Bar' Replicat'. & Rejoynd, & non ceo conteiñ en le Count m̃: & p̃ ceo Defaults ẽ le matt' del Count ne ſont compriſe deins *Miſpleading*, ou inſufficient Pleading, ne ſont remedie per le Statute de *Jeofailes*, 32 *H.* 8. mes ſolem̃t ceo miſpleading ou inſufficient Pleading commit en le Barre, Replication, & Rejoynder, ſont la provide. Mes veies ceux auxy ore remedies per le Statute 18 *Eliz. cap* 13.

Plegiis acquietandis.

P*Legiis* acquietandis eſt un Brief que giſt pur un Surety vers luy pur que il eſt Surety, ſi il ne pay les deniers al temps, *Fitz. N B.* 137. *Reg. Brev.* 158.

Plenartie.

P*Lenartie* eſt q̃n un Benefice eſt *plene*, direct̃m oppoſite al Vacation que ſignifie le aovoidance dl un Benefice. *Stamf. Prereg. cap.* 8 *fol.* 32.

Plevyn. See *Replevyn.*

Pluralities.

PLuralities ſont ou Vicar ou Rector avoit deux ou pluſors Eccleſiaſtical Benifices pur quel vide Statute, 21 *H.* 8. *c.* 13.

Pluries.

PLuries eſt un Brief que iſſuiſt en le tierce lieu, ſi le deux prior Briefs ne ſont obey & ar primerment iſſiuiſt un Original Brief, que ſi ne avoit effect, donc un ſicut alias; Car ceo fail, donc un Pluries. *Vet N. B.* 33.

Policy del Aſſurance.

POlicy del Aſſurance eſt un courſe priſe p Merchants pur l' aſſurer des lour Advẽtures ſur le Mer, p doner un certain proportion p centum pur le ſecurer del ſafe retourñ del Neiſe & tant des Merchandizes ſur que eſt agree. Et de ceo poies lier ẽ Statute de 43 *Eliz. cap.* 12.

Sur quel un Action giſt a common Ley ou en le Court (p literes Patents le Roy) ſeant a le *Royal Exchange* en *Londre*, les Judges de quel ſont Civilians, Common Lawyers & Merchants.

Pone.

POne eſt un Brief per que un Caſe q̃ depend en le County-Court eſt remove en le Common Plees. Veies pur ceo *Veil. N. B. fol.* 2. *a*

Pontage.

POntage eſt un parol mention en divers Statutes: come *Weſt.* 1. *cap.* 25. 1 *H.* 8. *cap.* 9. & 39 *Eliz. cap.* 24. & ſignifie alc' foits le Contribution collect pur le Re-

Pluralities.

PLuralities are where a Vicar or Rector has two or more Eccleſiaſtical Benefices, for which ſee Stat. 21. H. 8. cap. 13.

Pluries.

PLuries is a Writ that goeth out in the third place, if the two former Writs are diſobeyed, for firſt iſſues an Original Writ, which if it do not take effect, then a Sicut alias; and if this fail, then a Pluries. Old N. B. 35.

Policy of Aſſurance.

POlicy of Aſſurance is a courſe taken by Merchants for the aſſuring of their Adventures upon the Sea by giving a certain proportion in the Hundred for ſecuring the ſafe return of the Ship, and ſo much Merchandize as is agreed upon. And of this you may read in the Statute of 43 Eliz. cap. 12.

Upon which an Action lies at the common Law, or in the Court (by the King's Patent) ſitting at the Royal Exchange in London, the Judges of which are Civilians, common Lawyers and Merchants.

Pone.

POne is a Writ whereby a Cauſe depending in the County-Court is removed into the Common-Pleas. See for this Old N. B. fol. 2. a.

Pontage.

POntage is a word mentioned in many Statutes: as in Weſtm. 1. cap 25. 1 H. 8. cap. 9 & 39 Eliz. cap. 24. and it ſignifies ſometimes the Contribution that is gathered for the Repair-

ing of a Bridge; ſometimes the Toll paid by the Paſſengers to that purpoſe.

Portgreve. See Viſcount.

Portmoot.

POrtmoot is a word uſed in the Statute of 43 Eliz. cap. 15. and ſignifies a Court kept in a Haven-Town.

Poſſeſſio Fratris.

POſſeſſio Fratris, is where a man hath a ſon and a daughter by one Woman, and a ſon by another Venter, and dies; the firſt ſon enters and dies without Iſſue, the daughter ſhall have the Land as Heir to her brother, although the ſecond ſon is Heir to the father. Litt. Sect. 8.

Poſſeſſion.

POſſeſſion is twofold; either actual, or in Law.

Actual Poſſeſſion is, when a man actually enters into Lands or Tenements to him diſcended, or otherwiſe.

Poſſeſſion in Law is, when Lands or Tenements are deſcended to a Man, and he hath not as yet really, actually, and in Deed entred into them. And it is called Poſſeſſion in Law, becauſe in the eye and conſideration of the Law he is deemed to be in Poſſeſſion, ſince he is Tenant to every Man's Action that will ſue concerning the ſame Lands or Tenements.

Poſt diem.

POſt diem is the Return of a Writ after the day aſſigned for its Return.

Poſtdiſſeiſin.

POſtdiſſeiſin. Look for that before in the Title Aſſiſe.

paration dun *Pont*; aſcun foits le Tolle pay per paſſengers a ceo purpoſe.

Portgrive, Veies *Viſcount*.

Portmoot.

POrtmoot eſt un parol uſe en le Statute de 43 *Eliz. c.* 15. & ſignifie un Court tenus en un Port-ville.

Poſſeſſio Fratris.

POſſeſſio Fratris, eſt ou un home ad fits & file per un venter, & un fits per auter venter, & moruſt, le primer fits enter & devy ſans Iſſue, la file avera la terr, cõe heire a ſon frere eom nt q̃ le ſecond fits eſt heir a ſon pere. *Litt. Sect.* 8.

Poſſeſſion.

POſſeſſion eſt deux voies; ou actual, ou en Ley.

Actual Poſſeſſion eſt, quãt un home enter en fait en Terres ou Tenements a luy diſcende, ou aurerment.

Poſſeſſion en Ley eſt, quant Terres ou Tenements ſõt diſcende al un home, & il nad uncore realment, actualment, & en fait enter en eux. Et il eſt appell' *Poſſeſſion en Ley*, pur ceo que en le oiel & conſideration del Ley il eſt penſe deſtr̃ en Poſſeſſion, entant que il eſt Tenant a cheſcun Actiõ que aſc' voit ſuer concernant meſmꝭ les Tres ou Teneṁts.

Poſt diem.

POſt diem eſt le Return d' un Brief apres le jour aſſign p̃ le Return de ceo

Poſt diſſeiſm.

POſtdiſſeiſin. Vide de ceo devant en le Title *Aſſiſe*.

Postea.

Postea est le Record des proceedings sur un Trial per un Brief de *Nisi prius* que est returne apres le Trial per le Judge devant que suit trie en le Court lou l'Action primerment commence, daver Judgement la done sur le Verdict: & est appelle le *Postea* pur ceo que, *&c.*

Poundage.

Poundage est un Subsidy al value de duodize deniers en le liver, q̄ est grant al Roy p̄ chescun Merchant cybē Denizen cōe Alien, p̄ touts manners des Merchandizes exports & imports. Et des tiels Subsidies veies le Statutes de 1 *&* 2 *E.* 6. *c.* 13. *&* 1 *Jac. c.* 33. *&* 14. *Car.* 2. *c.* 24.

Auxi p̄ le Statute de 29 *El. cap.* 4. chescun Viscount est allow poundage p̄ levier Debt ou Damages p̄ Execution.

Pounds.

Pounds sont en deux sorts; lun *Pound overt*, le auter *Pound close*.

Pound overt est chescun lieu en que un Distresse est mis, soit ceo common Pound, ou Back-side, Court, Yard, Pasture, ou autrement quecunq; lou le owner del Distresse poit vener a doner eux viand, sans offence pur lour esteant la, ou son vener la.

Pound close est tiel lieu lou le owner del Distresse ne poit vener a doner eux viand sans offence; come en un Close meason, ou quecunque auter lieu.

Postea.

POstea is the Record of the proceedings upon a Trial by a Writ of Nisi prius, which is returned after the Trial by the Judge before whom it was tried into the Court where the first Suit began, to have Judgment there given upon the Verdict: and it is called the Postea, because it begins with Postea die & loco, &c.

Poundage.

POundage is a Subsidie to the value of 12 d. in the pound, which is granted to the King by every Merchant, as well Denizen as Alien, for all manner of Merchandize carried out and brought in. And of such Subsidies see the Statute 1 & 2 Ed. 6. cap. 13. & 1 Jac. cap. 33. & 14 Car 2. cap. 24.

Also by Stat. 29 El. cap. 4. every Sheriff is allowed poundage for levying Debt or Damages by Execution.

Pounds.

POunds are in two sorts; the one Pound open, the other close.

Pound open, is every place wherein a Distress is put, whether it be common Pound, or Back-side, Court, Yard, Pasture, or else whatsoever whereto the Owner of the Distress may come to give them meat, without offence for their being there, or his coming thither.

Pound close is such a place where the owner of the Distress may not come to give them meat without offence; as in a Close house, or whatsoever else place.

Pour-

Pourpreſture.

POurpreſture is the wrongful incloſing of another Mans property, See Co. 2 Inſt. 38 & 272.

Poynings Law.

POynings Law is an Act of Parliament made in Ireland in the time of H. 7. ſo called becauſe Sir Ed. Poynings was firſt Lieutenant there at the time of the making thereof, by which all Statutes in England were made to be of force in Ireland, which before were not, nor in any force there now which were made in England ſince that time, Co. 12. Rep. 190.

Preamble.

PReamble takes his name of the præpoſition (Præ) before, and the verb (ambulo) to go; ſo joyned together, they make the compound verb (præambulo) to go before; and hereof the firſt part or beginning of an Act is called the Preamble of the Act, which is a Key to open the minds of the makers of the Act, and the miſchiefs which they intend to remedy by the ſame. As for example, the Statute made Weſtm. the firſt, the 37 chap. which gives an Attaint, the Preamble of which is thus: Foraſmuch as certain people of the Realm doubt very little to give falſe Verdicts or Oaths, which they ought not to do whereby many people are diſherited, and loſe their right; It is provided, &c.

Pourpreſture.

POurpreſture eſt le tortious encloſure del property de un auter, Veies *Co. 2. Inſt.* 38. & 272.

Poynings Law.

POynings Law eſt un Act de Parliament fait en *Ireland* en temps *H.* 7. iſſint appel pur ceo que Sr. *Ed. Poynings* Seign' Lieutenant la al temps del feſans de ceo, per quel touts le Stat. en *Engle-terre* fueront fait de eſtre de force en *Ireland* que devant ceo temps ne fueront, neque ſont aſcun ore en force la que fueront fait en *Angleterre* apres tiel temps, *Co.* 12. *Rep.* 190.

Preamble.

PReamble ad ſon noſme de le prepoſition (*præ*) *devant*, & le verb (*ambulo*) pur *veer*; iſſint joynt enſemble, ils ſont un compound verb (*præambulo*) p̄ *veer devant*; & de ceo le primer pt ou cõmencement de un Act eſt appelle le *Preamble* de le Act, le quel eſt un cliffe de overer les ments del feaſors del Act, & les miſchiefs que ils entende de remedie per ceo. Come p̄ example, le Statute fait al *Weſtm.* le primer, le 37 *cap.* que doñ Attaint, le Preamble de q̄ eſt iſſint: Pur ceo que aſcuns gents de la Terre doutant meins faux Seremẽt faiſ, q; faire ne duiſſent, per que multes des gents ſont diſherites, & perdont lour droit; Purvey, *&c.*

Prebend & Prebendary.

PRebend & Prebendary ſont parols pluſors foits uſes en nr̃e Livres, & ils veignont del Latine (*Præbeo*) *Prebend* eſt ceo part ou portion que cheſcun member ou Canon dun Cathedral Egliſe receive en le droit ſon lieu pur ſon maintenance: & *Prebendary* eſt ceſtuy q̃ avoit tiel *Prebend.*

Prebend and Prebendary.

PRebend and Prebendary are terms often uſed in our Books, and they come of the Latine (præbeo) Predend is that portion which every member or Canon of the Cathedral Church receives in right of his place for his maintenance: and Prebendary is he that hath ſuch a Prebend.

Præcipe ou *Præcipe in capite.*

PReeipe in capite eſt un Brief que giſt lou le Tenant tient del Roy en chiefe come de la Corone, & il eſt deforce, ceſt adire, ouſte de ſon Terre; donques il avera ceſt Brief, & il ſerra Cloſe, & ſerra plede en le Common Banke.

Auxy ſi aſcun Tenant que tient de aſcun Seignior ſoit deforce, luy covient ſuer Brief de Droit Patent, que ſerra determine en le Court le Seignior. Mes ſi le Terre ſoit tenus del Roy, le Brief de Droit Patent ſerra port al Court le Roy: & ceſt Brief poit eſtre remove de la Court de Seignior en le Countie per un *Tolt*, & de le Countie en Common Banke per un *Pone.* Ideo veies devant Titulo *Droit.*

Precipe *or* Præcipe in capite.

PRecipe in capite is a Writ that lies where the Tenant holds of the King in chief as of his Crown: and he is deforced, that is, put out of his Land; then he ſhall have this Writ, and it ſhall be Cloſe, and ſhall be pleaded in the Common Pleas.

Alſo if any Tenant that holds of any Lord be deforced, it behoves him to ſue a Writ of Right Patent, which ſhall be determined in the Lord's Court. But if the Land be holden of the King, the Writ of Right Patent ſhall be brought to the King's Court: And the Writ may be removed from the Lord's Court unto the County by a Tolt, and from the County into the Common Place by a Pone. Look therefore before in the Title Droit.

Præcipe.

PRæcipe ſont de divers ſorts, Quod reddat terras, come dower, formedon, &c. debitum, bona & catalla. Quod teneat conventionem, Quod faciat ſectam ad molendinum, Quod permittat, &c.

Præcipe.

PRæcipe are of divers ſorts: Quod reddat terras, as dower, formedon, &c. debitum, bona & catalla. Quod teneat convenrionem, Quod faciat ſectam ad molendium, Quod permittat, &c.

Predi-

Predial Tithes.

Predial Tithes are ſuch as are paid of things that proceed from the Ground only, as Corn, Hay, Fruits of Trees and ſuch like.

Preignotary.

PReignotary is compounded of two Latine Words (præ and Notarius;) and is uſed in our Law for the chief Clerks of the King's Courts, whereof there is one in the King's Bench, and three in the Common Pleas. He in the King's Bench records all Actions Civil ſued in that Court: and they of the Common Pleas inrol all Declarations, Pleadings, and Judgments, and make out all Judicial Writs, they Inroll all Fines and Recognizances, and exemplifie all Records the ſame Term before the Rolls are delivered out of their hands. In 15 E. 4. 26 b. This Officer is called Præſignator: and one of the three in the Common Bench Præſignator pauperum.

Premiſſes.

PRemiſſes. See Habendum.

Præmunire.

PRæmunire is a Writ that lies where any man ſues another in the Spiritual Court for any thing that is determinable in the King's Court; for which great puniſhment is ordained by divers Statutes; viz. that he ſhall be out of the King's protection, and put in Priſon without Bail or Mainprize, till he have made Fine at the King's will, and that his Lands and Goods ſhall be forfeited if he

Prediel Diſmes.

P*Redial Diſmes* ſont ceux que ſont pay de choſes queux vienont de Terre ſolement, come Blees, Fene, Fruits des Arbres & tiels ſemblables.

Preignotary.

P*Reignotary* eſt compound des deux parols *Latinois* (*præ* & *Notarius*;) & eſt uſe en noſtre Ley pur le chief Clerks des Courts le Roy, dont la eſt un ē Bank le Roy, & trois en le Common Bank. Ceſtuy en Bank le Roy record touts Actions Civils ſues en ceo Court: & ceux di Common Banke inrolle touts Declarations, Pleadings & Judgments, & font hors touts judicial Briefs, ils inrolle touts Fines & Recogniſances, & exemplifiont touts Records m̄ le Term̄ devant q; les Rolles ſont bail hors de lour mains. En 15 *E.* 4. 26. *b.* ceſt Officer eſt appel Præſignator: Et un des trois ē Common Bank, Præſignator pauperum.

Premiſſes.

P*Remiſſes.* Veies *Habendum.*

Præmunire.

P*Remunire* eſt un Brief q̄ giſt lou aſcun home ſue aſcun auter ē Court Chriſtian pur aſcun choſe que eſt determinable en le Court le Roy; p quel grand puniſhment eſt ordain per pleuſeurs Statutes; ceſtaſcavoire, que il ſerra hors de protection le Roy, & mis en priſon ſans Baile ou Mainpriſe, tanque il ad fait Fine al volunt le Roy, & que ſes Terres & chateux

ſerront

ſerront forfeits ſi il ne veigne deins deux mois. Et ſon Proviſors, Procurators, Attornies, Executors, Notaries, & Maintainers, ſerront puniſh en meſme le manner. Ideo *vide Statutum.*

Auxy aſcuns dionț, que ſi un Clerke ſue auter home en Court de *Rome* pur choſe Spiritual, lou il poit aver remedie deins ceſt Realme en Court ſon Ordinaire, que il ſerra en le caſe de le Statute.

Et ſur divers aut's offences eſt impoſe, p Statutes depuis fait, le penaltie q; eux incurre queux fueront attaints en *Præmunire*: Come per 13 *El. cap.* 8. ceux que aidont a fair corrupt Bargain, ſur que Uſurie eſt reſerve ouſter 10 *l.* en le Hundred pur l'an, *&c.*

come not within two Months. And his Proviſors, Procurators, Attorneys, Executors, Notaries and Maintainers, ſhall be puniſhed in the ſame manner. Thereforе look the Statute.

Alſo ſome ſay, if a Clerk ſue another man in the Court of Rome for a thing Spiritual, where he may have remedy within the Realm in the Court of his Ordinary, that he ſhall be within the caſe of the Statute.

And upon divers other Offences is impoſed by Statutes lately made, the Penalty that they incur who are attainted in Præmunire: As by 13 Eliz. cap. 8. they who are aiding to make a corrupt Bargain wherеupon Uſury is reſerved above x. l. in the hundred for a year, &c,

Prender.

PRender *eſt Poteſtas aut jus quicquid accipiendi antequam offertur*; *a Francois prendre, i. accipere.*

Prender.

PRender is the power or right of Taking a thing before it be offered; from the French prendre, l. accipere.

Preſcription.

PRe*ſcription* eſt, quant un perſon claime aſc' choſe, pur ceo que il, ſes Anceſtors ou Predeceſſors, ou eux que Eſtate il ad, ont ew ou uſe ceo dont nul memorie curt al contrary.

Mes un ne poit preſcribe en counter un Statute, ſi non que il ad auter Statute que ſerve pur luy.

Preſcription.

PReſcription is, when a Man claims any thing, becauſe he, his Anceſtors or Predeceſſors or they whoſe Eſtate he hath, have had or uſed it all the time whereof no memory is to the contrary.

But one may not preſcribe againſt a Statute, except he have another Statute that ſerves for him.

Preſentment.

PRe*ſentment* eſt æquivocum. L'un eſt al Egliſe: comẽt quant aſcun home ad droit a doner aſcun Benefice Spiritual, & noſme le p̃ſon al

Preſentment.

PReſentment is of two Significations. One is to a Church; as when a Man hath right to give any Benefice Spiritual, and names the Perſon to the Bi-

Biſhop to whom he will give it, and makes a writting to the Biſhop for him, that is a Preſentation or Preſentment. If divers Co-heirs cannot agree in Preſentment, the Preſentee of the eldeſt ſhall be admitted. But if Joyntenants and Tenants in common agree not within ſix months, the Biſhop ſhall preſent by lapſe.

The other is a Preſentment or Information by a Jury in a Court, before any Officer who hath Authority to puniſh any Offence done contrary to the Law.

Pretenſed Right or Title.

PRetenſed Right or Title, is when one is in poſſeſſion of Lands or Tenements, and another who is out, claims it, and ſues for it: now the pretenſed Right or Title is ſaid in him who ſo doth ſue and claim. And if he afterward come to the poſſeſſion, his Right or Title is annexed to the Land and Poſſeſſion, and not then called Right.

Primer Seiſin.

PRimer Seiſin is uſed in the Common Law for a branch of the King's Prerogative, by which he hath the firſt poſſeſſion, that is, the entire Profits for a year of all the Lands and Tenements whereof his Tenant (that held of him in capite) died ſeiſed in his Demeſne as of Fee, his Heir then being at full Age: and this the King takes in lieu of the entire Profits which he may take, if he will, until Livery be ſued, or at the leaſt tendered Prerog. Reg. c. 3. & Stanf. f. 11. B. See the Stat. 12 Car. 2. c. 24.

Eveſque a q; il voet le doner, & fait un Letter al Eveſque pur luy, ceo eſt un *Preſentation* ou *Preſentment*. Si divers Coheirs ne poyent accorder en Preſentment, le Preſentee de l'eigne ſerra admitte. Mes ſi Joyntenants & Tenants en common ne accordant deins les ſize moys, l'Eveſque preſentera per laps.

L'auter eſt un *Preſentment* ou Information p aſcun Jurie en un Court, devant aſc' Officer la q̄ ad authorite de puniſher aſc' offence fait contrary al Ley.

Pretenſed Droit ou *Title.*

P*Retenſed Droit* ou *Title* eſt, lou un eſt en poſſeſſion de Terres ou Tenements, & un auter que eſt hors claime ceo, ou ſue pur ceo: ore le *pretenſed Droit ou Title* eſt dit en luy que iſſint ſue ou claime. Et ſi il puis vient a le poſſeſſion, ſon Droit ou Title eſt annexe al Terre & Poſſeſſion, & nient donque appel *Droit*.

Primer Seiſin.

P*Rimer Seiſin* eſt uſe en le Cōmon Ley p̄ un branch del Prerogative le Roy, p̄ que il ad le Prim̄ poſſeſſion, ceſtaſcavoir, les intire Profits p̄ un an des touts les Terres & Tenements dont ſon Tenant (q; tenus de luy ē chief) moruſt ſeiſie en ſon Demeſne cōe de Fee, ſon Heire adonq; eſteant d̄ plein age: & c' le Roy priſt en lieu des intire Profits queux il poit p̄nder, ſil voit, tanques Liverie ſoit ſue, ou al meins tender. *Prerog. Reg. c. 3. & Stanf. f. 11. B.* Veies le Stat. 12 *Car. 2. c. 24.*

Priſage.

Priſage.

PRiſage eſt ceo part ou portion que appertein al Roy hors des tiel Merchandiſes queux ſont priſes al Mer p voy de loyal *Priſe*. Et ceſt parol vous trovers en le Statute 31 *Eliz. c.* 5.

Priſage des Vins.

PRiſage *des Vins*, mention ē le Stat. 1 *H* 8. *c* 5. eſt un cuſtome p que le Roy hors cheſc' Barke lade ove Vine, ſouth 40 Tun, claime d'aver deux Tun a ſon *priſe* demeſne.

Priſon.

PRiſon eſt un lieu de Reſtraint pur le ſafe cuſtody de un perſon a reſponder al aſcun action perſonal ou criminal. Veies le Stat. 2 *W. & M. cap.* 15. 7 *&* 8 *W.* 3. *cap.* 12. 1 *An. cap.* 5.

Privie ou *Privities.*

PRivie ou *Privities* eſt, lou un Leaſe eſt fait a tener a volunt, p̄ ans, p̄ vie, ou un Feoffment en fee, & en divers auters caſes; ore p cauſe d ceo q; ad paſſe penter ceux parties, ils ſont appellus *Privies*, en reſpect de ſtrangers, penter queux nul tiel conveyances ad eſtre.

Auxy ſi ſoit Seignior & Tenant, & le Tenant tient del Seignior per certaine Serv ce, il y ad un *Privitie* parenter eux, p cauſe d Tenure: & ſi le Tenant ſoit diſſeiſie p un eſtranger, il ad nul *Privitie* perenter le Diſſeiſor & le Seignior, mes le *Privitie* uncore demurt perenter le Seignior & le Tenant que eſt

Priſage.

PRiſage is that part or portion that belongs to the King of ſuch Merchandizes as are taken at Sea by way of lawful Priſe. And this word you ſhall find in the Statute of 31 Eliz. cap. 5.

Priſage of Wines.

PRiſage of Wines, mentioned in the Stat. 1 H. 8. c. 5. is a cuſtom by which the King out of every Bark laden with Wine under 40 Tun, claims to have two Tun at his own price.

Priſon.

PRiſon is a place of Reſtraint for the ſafe keeping of a Perſon to anſwer to any Action perſonal or criminal. See the Stat. of 2 W. & M. cap. 15. 7 & 8. W. 3. cap. 12. 1 An. cap. 5.

Privie *or* Privities.

PRivie or Privities is, where a Leaſe is made to hold at will, for years, for Life, or a Feoffment in Fee, and in divers other caſes; now becauſe of this that hath paſſed between theſe parties, they are called Privies, in reſpect of Strangers, between whom no ſuch Conveyances have been.

Alſo if there be Lord and Tenant, and the Tenant holds of the Lord by certain Service, there is a Privy between them, becauſe of the Tenure; And if the Tenant be diſſeiſed by a Stranger, there is no Privity between the Diſſeiſor and the Lord, but the Privity ſtill remains between the Lord and the Tenant that is diſſeiſed, and

the Lord shall avow upon him, for that he is his Tenant in right, and in Judgment of the Law.

Privies are in divers sorts; as namely, Privies in Estate, Privies in Deed, Privies in Law, Privies in Right, and Privies in Blood.

Privies in Estate is, where a Lease is made of the Mannor of Dale to A. for Life, the Remainder to B. in fee; there both A. and B. are Privies in Estate, for their Estates were both made at one time.

And so it is in the first case here, where a Lease is made at will, for Life, or Years, or a Feoffment in Fee, the Lessees or Feoffees are called Privies in Estate, and so are their Heirs, &c.

Privies in Deed is, where a Lease is made for Life, and afterward by another Deed the Reversion is granted to a Stranger in Fee, this Grantee of the Reversion is called Privy in Deed, because he hath the Reversion by Deed.

Privy in Law is, where there is Lord and Tenant, the Tenant leases the Tenancy for Life, and dies without Heir, and the Reversion escheats to the Lord; he is said Privy in Law, because he hath his Estate only by the Law, that is to say, by Escheat.

Privy in Right is, where one possessed of a Term for Years, grants his Estate to another upon Condition, and makes his Executors, and dies; now these Executors are Privies in Right; for if the Condition be broken, and they enter into the Land, they have it in right of their Testator, and to his use.

dissеisie, & le Seignior avowra sur luy, p̄ ceo q; il est son Tenant en droit, & en le judgment del Ley.

Privies sont en divers sorts; come nosment, Privies en Estate, Privies en Fait, Privies en Ley, Privies en Droit, & Privies en Sanke.

Privies en Estate est, lou un Lease est fait del Mannor de *Dale*, al *A* p̄ vie, le Remaind" al *B* en fee; la & *A* & *B* sont *Privies en Estate*, car lour Estates fuer̄ faits ambideux al un temps.

Et issint est en le prim̄. case cy, ou un Lease est fait al volunt. pur vie, ou ans, ou un Feoffment en fee, les Lessees ou Feoffees sō̄t appels *Privies en Estate*, & issint sont lour Heirs, *&c.*

Privies en Fait est, lou un Lease est fait pur vie, & aps p un auter Fait le Reversion est grant al un stranger en fee; cest Grantee del Reversion est appel *Privie en Fait*, pur ceo que il ad le Reversion p Fait.

Privie en Ley est, lou il est Seignior & Tenant, le Tenant lessa le Tenancie p̄ vie, & morust sans Heir, & le Reversion escheat al Seignior; il est dit *Privie en Ley*, p̄ ceo que il nad son Estate solem̄t per le Ley, cest adire, per Escheat.

Privie en Droit est, lou un possesse d' un terme pur ans granta son Estate al un auter sur Condition, & fait ses Executors, & morust; ore ceux Executors sō̄t *Privies en Droit*; car si le Condition soit enfreint, & ils entront en le Tre, ils averont ceo ē le droit de lour Testator, & a son use.

Privie

Privie de Sanke eſt l' Heir de le Feoffor ou Donor, *&c.*

Item ſi un Fine ſoit levie, les Heires de celuy que levie le Fine ſont appel *Privies.*

Privy of Blood is the Heir of the Feoffor or Donor, &c,

Alſo if a Fine be levied, the Heirs of them that levied the Fine are called Privies.

Privileges.

PRivileges ſont Liberties & Franchiſes grant al un Office, Lieu, Ville, ou Mannor per le grand Charter del Roy, Letters Patents, ou Act de Parliamēt: cōe *Toll, Sake, Socke, Infangtheefe, Outfangtheefe, Turne, Ordelf,* & divers tielx, ſemblables; p̄ q̄ux veies en lour pper Titles & lieus.

Auxi ſont auters Privileges d'ont le Ley priſt cognizance ceſt aſcavoir, les Privileges des Commons, & Peers del Parliament, & Privileges des Attorneys & Officers des Courts a *Weſtm.* q̄ ils ne ſerront ſue ou implead en auter Court, q̄ en ceux ou ils ſont Attorneys ou Officers.

Privileges.

PRivileges are Liberties and Franchiſes granted to an Office, Place, Town, or Mannor by the King's great Charter, Letter Patents, or Act of Parliament: as Toll, Sake, Socke, Infangtheef, Outfangtheef, Tourne, Ordelfe, and divers ſuch like; for which look in their proper titles and places.

Alſo there are other privileges which the Law takes notice of, that is to ſay the privileges of the Commons & Peers of the Parliament, & the privileges of Attornies & Officers of the Courts at Weſtm. that they ſhall not be ſued or impleaded in another Court, but in that where they are Attornies or Officers.

Procedendo.

PRocedendo eſt un Brief que giſt lou aſcun Action eſt ſue en un Court, que eſt remove a un pluis hault, cōe al Chancerie, Banke le Roy, ou Common Banke, per Brief de Privilege ou *Certiorari:* & ſi le Defendant, ſur le matter monſtre, nad cauſe de Privilege, ou ſi le matter en le Bill ſur q; le *Certiorari* iſſuiſt ne ſoit bien prove, donques le Plaintiff avera ceſt *Procedendo* pur remaunder le matter al primer baſe Court, la deſtre determine.

Procedendo.

PRocedendo is a Writ that lies where any Action is ſued in one Court, which is removed to another more high, as to the Chancery, King's Bench, or Common Place, by a Writ or Privilege or Certiorari: and if the Defendan, upon the matter ſhewed, have no cauſe of Privilege, or if the matter in the Bill whereupon the Certiorari iſſued be not well proved, then the Plaintiff ſhall have this Procedendo, to ſend again the matter unto the firſt baſe Court, there to be determined.

Proces.

PRoces ſont les Briefs & Precepts que iſſuont ſur l' Original. Et en Actions

Proces.

PRoces are the Writs and Precepts that go forth upon the Original. And in Actions

real

real and perſonal there are ſun-dry ſorts of Proces: For in Actions real the Proces is Grand Cape before Appearance: Therefore ſee of that in the Title Petit Cape.

But in Actions perſonal, as in Debt, Treſpaſs, or Detinue, the Proces is a Diſtreſs: and if the Sheriff return Nihil habet in Balliva, &c. then the Proces is Alias Capias, and Pluries and an Exigent; and they are called Capias ad reſpondendum. Alſo the Exigent ſhall be proclaimed five times; and if the party do not appear, he ſhall be outlawed. But in divers Actions there are divers manners of Proces, which at large is declared in N. B.

And there are divers other Proces after Appearance, when the parties are at Iſſue, to make the Enqueſt appear: as a Writ of Venire facias; and if they do not appear at the day, then a Writ of Habeas corpus Jurat' and after a Writ of Diſtringas Jurat'.

And there are divers other Proces after Judgment; as Capias ad ſatisfaciendum, and capias utlagatum &c.

Capias ad ſatisfaciendum lies where a man is condemned in any Debt or Damage, then he ſhall be arreſted by this Writ, and put in Priſon without Bail or Mainprize, till he hath paid the Debt and the Damages.

Capias utlagatum lies where one is outlawed, then he ſhall be taken by this Writ, and put in Priſon without Bail or Mainprize, for that he had the Law in contempt.

And there are other Proces and Writs Judicial, as Capias ad

real & perſonal ſont divers ſorts de Proces: Car en Actions real le Proces eſt *Grand Cape* devant Appearance: Ideo vide de ceo en le Title *Petit Cape.*

Mes en Actions perſonal come en Dette, Treſpaſſe, ou, Detinue, le Proces eſt un Diſtreſſe: & ſi le Viſc' return *Nihil habet in Balliva*, &c. donques le Proces eſt *Alias Capias* & *Plures*, & un *Exigent*; & ils ſont appelles *Capias ad reſpondendum.* Auxy le *Exigent* ſerra cinque foits pclaime; & ſi le partie n' appeare, il ſerra utlage. Mes en divers Actions ſont divers manners de Proces, que eſt pluis alarge declare en *N. B.*

Auxy ſont divers auters Proces apres Appearance, quant les parries ſont al iſſue, pur faire l'Enqueſt appearer: come un *Venire facias*; & ſils ne appearont al jour, donques un Briefe de *Habeas corpora Jurat'* & apres un Brief de *Diſtringas Jurat'*.

Auxy ſont divers auters Proces apres Judgm̃t; come *Capias ad ſatisfaciendum*, & *Capias utlagatum*, &c.

Capias ad ſatisfaciendum giſt lou home eſt condemne en aſcun Det ou Dammages donques il ſerra arreſt per ceſt Brief, & mis en priſon ſans Bail ou Mainpriſe, tanque il ad pay le Det & les Dammages.

Capias utlagatum giſt lou un eſt utlage, donq's il ſerra priſe per tiel Brief, & mis en priſon ſans Baile ou Mainpriſe, p̃ ceo que il ad fait contempt encounter le Ley.

Auxy ſont auters Proces & Briefs judicials, come *Capias*

ad

ad valentiam, Fieri facias, Scire facias, & pluſors auters : & ideo vide c' en lour Titles.

valentiam, Fieri facias, Scire facias, and many other : and therefore look for them in their Titles.

Prochein amy.

PRochein *amy* eſt communement priſe pur Gardian en Soccage, & lou eſt un home ſeiſie de Terres tenus en Socage moruſt, ſon iſſue deins age de 14 ans, donques le p̄chein d' ſank, a que les Tfes ne poient diſcender, avera le gard del Heire, & del Terre, al uſe ſolem̄t del Heire tanque il vient al age d' 14 ans; & donques le Heire poit enter, & luy ouſte, & ameſner luy de accompter; Mes en ceſt Accompt il avera allowance p̄ touts reaſonable coſts & expences beſtow ou ſur le Heire ou ſon Terre.

Le Prochein amy, ou prochein de ſanke, a que le Inheritance ne poit diſcend, eſt iſſint deſtre entende : Si les Terres diſcenda al Heire de ſon Pere, ou aſcun del ſanke del part ſon Pere, donques l' Mere, ou aut' del part l'Mere, ſont appelle p̄chein de ſanke, a q̄ le Inheritance ne poit diſcender; car devant que il iſſint diſcendra, il pluis toſt eſcheatē al Sñr d' q; il eſt teñ.

Et lou les Terres vient al Heire de ſa Mere, ou aſcun del ſa part, donque le Pere, ou auter del part ſon Pere; ſont appelle le prochein de ſanke, a que le Inheritance ne poit diſcend, mes pluis toſt eſcheatē al Seignior d que il eſt tenus.

Auterment *Prochein Amy* eſt celuy que appiert en aſcun Court pur un Enfant que ſue aſcun Action, & que ayde le

Next Friend.

NExt Friend is commonly taken for Gardian in Socage, and is where a Man ſeiſed of Land holden in Socage dies, his iſſue within Age of 14 years, then the next Friend, or next of kin, to whom the Lands cannot deſcend, ſhall have the keeping of the Heir, and of the Land, to the only uſe of the Heir until he come to the Age of 14 years; and then he may enter, and put the Gardian out, and bring him to accompt: But in that Accompt he ſhall be allowed for all reaſonable Coſts and Expences beſtowed either upon the Heir or his Land.

The next Friend, or next of kin, to whom the Inheritance cannot deſcend, is thus to be underſtood : If the Lands deſcend to the Heir from his Father, or any of the kin of his Father's ſide, then the Mother, or other of the Mothers ſide, are called the next of kin, to whom the Inheritance cannot deſcend; for before it ſhall ſo deſcend; it ſhall rather eſcheat to the Lord of whom it is holden.

And where the Lands come to the Heir from his Mother, or any of her ſide, then the Father, or other of the Fathers ſide, are called the next of kin, to whom the Inheritance cannot deſcend, but ſhall rather eſcheat to the Lord of whom it is holden.

Otherwiſe Prochein amy is he who appears in any Court for an Infant who ſues any Action, and aids the Infant

to

to purſue his Suit: whereof ſee the Statutes of Weſtm. 1. cap. 47. and Weſtm. 2. cap. 15. that an Infant may not make an Atturney, but the Court may admit the next Friend for the Plaintiff, and a Gardian for the Infant Defendant as his Atturney.

Proclamation.

PRoclamation, is Notice publickly given of any thing whereof the King thinks good to adverteſe his Subjects: ſo it is uſed Anno 7. R. 2. c. 6.

Proclamation of Rebellion, is an open notice given by the Officer, that a Man not appearing upon a Subpœna or Attachment in the Chancery, ſhall be reputed a Rebell, except he render himſelf at the day aſſigned. Crompt. Juriſdict. fol. 92.

And it is to be noted, that no Man may make Proclamation but by authority of the King, or Majors, and ſuch like as have priviledges in Cities and Boroughs ſo to do, or have it by Cuſtom. And therefore where an Executor made Proclamations in certain Market-towns, that the Creditors ſhould come by a certain day, and claim and prove their Debts due by the Teſtator, and becauſe he did this without Authority, he was committed to the Fleet, and Fined. Brook Proclamation 10.

Pro confeſſo.

PRo confeſſo is where a Bill is is exhibited in the Chancery, to which the Defendant appears, and is in contempt for not anſwering, or makes an inſufficient anſwer, the matter contained in the Bill ſhall be taken as if it were confeſſed by the Defendant.

Enfant de purſuer ſon Suit; dont vide les Statutes de *Weſtm. 1. c. 47. & Weſtm. 2. cap. 15.* que un Enfant ne poit faire Attourney, mes le Court poit admitter le prochein amy pur le Plaintiff, & un Gardian pur le Enfant Defendant cõe ſon Attorney.

Proclamation.

PRoclamation eſt un Notice apperteinent done de aſcun choſe de que le Roy ſoi pleirot d' advertiſer ſes Subjects; iſſint il eſt *An 7. R. 2. c. 6.*

Proclamation de Rebellion eſt un overt notice done p l' Officer, que un home nient apparent ſur un *Subpœna* ou attachment en le Chancery, ſerra repute deſtre un Rebel, ſi non q; il luy meſme render al jour aſſigne, *Crompt. Juriſd. fol. 92.*

Et eſt deſtre obſerve, que nul poit faire Proclamation mes p authoritie del Roy, ou Majors & hujuſmodi que ont privileges en Cities ou Boroughs de ceo faire, ou ont ceo uſe per cuſtome. Et pur c' ou un Executor fiſt *Proclamation* en certain Market-villes, q; les Creditors veignera, p certain jour, & claim & provera lour dets due per le Teſtator, & pur ceo que il ceo fiſt ſans authoriry, il fuit commir al Fleet, & miſe a un Fine. *Broke Proclamation* 10.

Pro confeſſo.

PRo confeſſo eſt lou un Bill eſt exhibit en le Chancery a que le defendant appear, & eſt en contempt pur nient reſponder, ou fait inſufficient reſpons le matter en le Bill contenus ſerra priſe come ſi fuit confeſs per le Defendant.

Profer.

PRofer, i. e. producere, eſt le temps appoint pur Accounts des Vicounts & auters Officers del Exchequer, que eſt deux foits en le an, *Stat.* 21. *H.* 3. *c.* 5. *Reg. Orig.* 139.

Procurator.

PRocurator eſt uſe pur luy que collige les Fruits de un Benefice pur un auter home. *Anno* 3 *Rich.* 2. *Stat.* 1. *cap.* 2.

Prohibition.

PRohibition eſt un Brief q̄ giſt lou hō̄ eſt emplede en Court Chriſtian de choſe q̄ ne touch Matrimonie, ne Teſtament, ne merem̄t Diſmes, mes i' Coron noſtr̄ Seignior le Roy. Ceſt Brief ſerra direct auxybien al ptie, come al Judge, ou ſon Official, de eux prohibite q̄ ils ne purſue ouſter. Mes ſi il appeare apres a les Judges temporal, que le matter eſt deſtre determine en i' Spiritual Court, & nemy en le Court Temporal, donque le party aver̄ un Bre de *Conſultation*, commandant les Judges de le Court Spiritual d' proceeder en la primer Plee.

Auxi ſont mults auters prohibic̄ons ſicome al Admiralty, & al aſcun Court de Common ley s'ils exceed lour poiar.

Property.

PRoperty eſt le pluis halt Droit q̄ hō̄ ait ou poit aver al aſcun choſe, q̄ riens depēd ſur i' courteſie daſc' auter home: Et ceo nulluy en ceſt Realm poit eſtre dit daver en aſcun Terres ou Tenemēts, forſq; ſolem̄t le Roy ē

Profer.

PRofer, i. e. Producere, is the time ſet for Accounts of Sheriffs and other Officers of the Exchequer, which is twice a year, Stat. 21 H. 3. c. 5. Reg. Orig. 139.

Procurator.

PRocurator is uſed for him who gathers the Fruits of a Benefice for another Man, Anno 3 Ric. 2. Stat. 1. cap. 2.

Prohibition.

PRohibition is a Writ that lies where a man is impleaded in the Spiritual Court of a thing that touches not Matrimony, nor Teſtament, nor meerly Tithes, but the King's Crown. This Writ ſhall be directed as well to the party, as to the Judge, or his Official, to prohibit them that they purſue no farther. But if it appear afterward to the Judges temporal, that the matter is fit to be determined in the Spiritual Court, and not in the Court Temporal, then the party ſhall have a Writ of Conſultation, commanding the Judges of the Court Spiritual to proceed in the firſt Plea.

Alſo there are many other Prohibitions to the Admiralty, and to other Courts of Common-Law if they exceed their power.

Property.

PRoperty is the higheſt Right that a man hath or can have to any thing, which no way depends upon another Mans courteſie: And this none in this Kingdom can be ſaid to have in any Lands or Tenements, but only the King in right

right of his Crown, because all the Lands through the Realm are in nature of Fee, and hold mediately or immediately of the Crown. This word nevertheless is used for such right in Lands and Tenements as common persons have in the same. And there are three manner of rights of Property; that is, Property absolute, Property qualified, and Property possessory: Of which see at large, Cok. lib. 7. Case de Swans, fol. 17.

Proprietary.

PRoprietary is he that hath a Property in any thing; but is most commonly used for him who hath the Profits of a Benefice to him and his Heirs, or to himself and his Successors, as in times past Abbots and Priors had.

Protection.

PRotection is a Writ that lies where a Man will pass over the Sea in the Kings service, then he shall have this Writ, whereby he shall be quit of all manner of Pleas between him and any other person, except Pleas of Dower, Quare impedit, Assise of Novel disseisin, Darrein presentment and Attaints, and Pleas before Justices in Eyre. But there are two Writs of Protection, one cum clausula Volumus, and another cum clausula Nolumus, as appears in the Register.

But a Protection shall not be allowed in any Plea begun before the date of it, if it be not in Voyages where the King himself shall pass, or other Voyages Royal, or in Messages of the King for affairs of the Realm. Nor shall a Protection

le droit de son Corone, pur ceo que touts les Terres p le Realm sont en le nature de Fee, & tiendront mediatemt ou immediatemt del Coron. Cest parol nient obstant est use pur tiel droit ē Terres & Tenemts q̄ comon p̄sons ont en m̄. Et la sont trois maners de droits de Property; cestasçavoire, *Property absolute, Property qualified, & Property possessory*: De q̄x veies a large. *Coke l. 7. Case de Swans, fol. 17.*

Proprietary.

P*Roprietary* est celuy q̄ ad un Property en asc' chose; mes il est pluis cōmunement use pur luy quē ad les Profits dun Benefice a luy & ses Heirs, ou a luy m̄ & ses Successors cōe en tēps par devāt Abbots & Priors avoient.

Protection.

P*Rotection* est un Brief q̄ gist lou home voit passer ouster le mer in le service le Roy, donq̄s il avera cest Bre, & p cest Bre il serra quite de touts manner des Pleas enter luy & ascun auter p̄son, except Plees de *Dower, Quare impedit, Assise de Novel disseisin, Ultime præsentationis, & Attaints*, & Plees devant Justices en Eyre. Mes sont deux Briefs de *Protection*; un *cum clausula Volumus*, & lauter *cum clausula Nolumus*, cōe appiert en le *Register*.

Mes Protection ne serra allow en ascun Plee commence devant le date de ceo, si ne soit en Voyages ou le Roy meisme passa, ou auters Voyages royals, ou en Messages le Roy pur besoignes de Realme. Protection ne seera allow pur Vitailes achates

pur voyage dont le Protection fait mention, ne in Plees de Trelpaſſe, ou de Contracts fait puis le date de meſme le Protection.

Nota, que aſcun poit attacher ou commencer aſcun Actiõn real vers ceſtuy q̃ ayt tiel Protection, & en ceo proceeder tanque le Defendant-veigne & monſtre ſon protection en le Court, & ayt ceo allow, donque ſon plee ou Suit ſerra mis lans jour. Mes ſi aps il appiert que le party que ad le protection ne ala entour le beſoigne pur que il ayt ceo, donq̃s le Demandant aver̃ un Repeal de ceo. Et ſil va, & return apres le beſoigne finie, le Demandant avera un Reſummons de recontinue le former Suit.

be allowed for Victual bought for the voyage whereof the Protection makes mention, nor in Pleas of Treſpaſs, or of Contracts made after the date of the Protection.

Note, That any may attach or bring any Action real againſt him that hath ſuch Protection, and therein proceed, until the Defendant comes and ſhews his Protection in the Court, and hath it allowed; and then his Plea or Suit ſhall go without day. But if after it appears that the party who hath the Protection goes not about the affairs for which he hath it, then the Demandant ſhall have a Repeal thereof. And if he go, and return after the buſineſs ended, the Demandant ſhall have a Reſummons to recontinue the former Suit.

Proteſtation.

PRoteſtation eſt un form d' Pleading q̃ it aſcun ne voit direct̃m affirmer, ne direct̃ment denier aſcun' choſe q̃l eſt alledge p̃ auter, ou que ill m̃ alledge. Et eſt un d'ux manners. L'un eſt, q̃ it un pleade aſcun choſe que il ne oſaſt direct̃ment affirmer, ou ne poit pleader pur doubt de faire ſon Plee double. Cõe ſi en conveying a luy Title a aſcun Terre, il doit pleader divers Diſcents p̃ divers pſons, & il noſaſt affirmer que eux tours fueront ſeiſies al tẽps de lour mort, ou coment il ceo purroit, ceo ſerra double a plead deux Diſcents; de queux ambideux cheſcun per luy poit eſtre bone Barr. Donques le Defendant doit pleader & alledger le matter, enterlacing ceſt parol *proteſtando*, come

Proteſtation.

PRoteſtation is a form of Pleading, when any will not directly affirm, nor directly deny any thing that is alledged by another, or which he himſelf alledges. And it is in two ſorts. One is, when one pleads any thing which he dare not directly affirm, or cannot plead for doubt to make his plea double: As if in conveying to himſelf a Title to any Land, he ought to plead divers Diſcents by divers perſons, and he dare not affirm that all they were ſeiſed at the time of their death or although he could do it, it ſhall be double to plead two Diſcents; of both which each by it ſelf may be a good Bar. Then the Defendant ought to plead and alledge the matter, interlacing this word proteſtando, as to ſay that ſuch a one died (by Proteſtation)

ſtation) ſeiſed, &c. And that is to be alledged by Proteſtation, and not to be traverſed by the other. Another Proteſtation is, when one is to anſwer to two matters, and yet by the Law he ought to plead but to one; then in the firſt part of the Plea he ſhall ſay to the one matter, proteſtando, and non cognoſcendo this matter to be true, and makes his Plea farther by theſe words, Sed pro placito dicit, &c. And this is for ſaving to the party (that ſo pleads by Proteſtation) the being concluded by any matter alledged or objected againſt him, upon which he cannot joyn iſſue; and is no other but an excluſion of the Concluſion; for he that takes the Proteſtation excludes the other party to conclude him. And the Proteſtation ought to ſtand with the ſequel of the Plea, and not to be repugnant, or otherwiſe contrary.

Provendry.

PRovendry in the Church of Sarum, is called the leſſer part of the Altar in the Church of St. Mary 41 E. 3. 5. b.

Proviſion.

PRoviſion is uſed with us as it is in the Common Law, for providing of a Biſhop or other Eccleſiaſtical perſon of an Eccleſiaſtical Living by the Pope before the Incumbent of it be dead; the great abuſe whereof appers by ſeveral Statutes that have been made from the time of E. 3. to the reign of H. 8. for the avoiding of ſuch Proviſions. Raſt. Entries Quare impedit. Roy 17. 20.

adire, que tiel obiit (*proteſtando*) ſeiſie, &c. Et ceo eſt deſtr̃ alledge p Proteſtation, & nemy traverſable p lauter. Auter Proteſtatiõ eſt, qũt un eſt de reſponder al deux choſes, & tamen per le Ley il doit plead forſq; al un, donq̃s en le primer pt del Plee il dirra al un matter, *proteſtando*, & *non cognoſcendo* cel matter eſtre voyer, & faire ſon Plee ouſter p ceux parols, *Sed pro placito dicit, &c.* Et ceo eſt pur ſalvation al partie (que iſſint plead p Proteſtation) deſtre conclude p aſc' matter alledge ou object encounter luy, ſur que il ne poit joyner iſſue; & neſt auter choſe mes un excluſion del Concluſion; car il que priſt Proteſtation exclud' laut' ptie de cõcluder luy. Et ceſt Proteſtation doit eſtoyer ove le ſequel del Plee, & nemy deſtr̃ repugnãt, ou auterment contrarie.

Provendry.

PRovendry ẽ l' eſgliſe de *Sarum* eſt appel minor pars Altaris in eccleſia beatæ *Mariæ Sarum*, 41 *E.* 3. 5. *b.*

Proviſion.

PRoviſion eſt uſe pveſq; nous com̃ eſt ẽ le Cannon Ley, pur le provider dun Eveſq; ou auter Eccleſiaſtical perſon dun Eccleſiaſtical Benefice p le Pape devãt q̃l Incumbent de ceo ſoit mort; le grãd abuſe d appiert p pluſeurs Statutes q̃ ont eſte faits en touts ages del temps E. 3. tanque le reigne *H.* 8. per le avoid des tiels Proviſions. *Ra. Entr. Qua. Impedit. Roy* 17. 20.

Proviſo.

PRoviſo eſt un Cõdition enſert en aſc' Fait, ſur le pformance de q̃ tout le vigour del Fait conſiſta. Aſcun foits il ſolem̃t eſt un Covenãt de que veies *Cok lib.* 2. en le Sñr *Cromwels Caſe* Il ad auxy un aut' ſignificatiõen choſes judicial: cõe ſi le Plaintiff ou demandant delaya de proſecuter un Actiõ, & ne ceo port al Trial, donq; le Defendant ou Tenant poit prender hors le *Venire facias* al Viſcount, que ad ẽ ceo ceux parols, *Proviſo quod, &c.* a ceſt fine, que ſi le Plaintiff priſt hors aſcun Bre a cel purpoſe, le Viſcount ne garnera forſque un Jurie ſur eux ambideux. Veies *Vet. Nat. Br.* en le Brief *Niſi prius fol.* 159.

Proviſors. Veies *Præmunire.*

Proviſo.

PRoviſo is a Condition inſerted in any Deed, upon the performance whereof the validity of the Deed conſiſts. Sometimes it is only a Covenant, whereof ſee Coke, lib. 2. in the Lord Cromwel's Caſe. It hath alſo another ſignification in matters judicial: as if the Plaintiff or Demandant deſiſts from proſecuring an Action, and bringe it not to Trial, then the Defendant or Tenant may take forth the Venire facias to the Sheriff, which hath in it theſe words, Proviſo quod, &c. to this end, that if the Plaintiff takes out any Writ to this purpoſe, the Sheriff ſhall ſummon but one Jury upon them both. See Old Natura Brevium in the Writ Niſi prius, fol. 159.

Proviſors. See Præmunire.

Proxy. Procuratio.

PRoxy. *Procuratio*, eſt un payment al Eveſque per un Religious meaſon p̃ ſes charges de ſon viſitacon de tiels meaſons, *Davies rep.* 2.

Proxy. Procuratio.

PRoxy. Procuratio is a payment to a Biſhop by a Religious Houſe, for the charges of his viſitation of ſuch Houſes, Davies rep. 2.

Purchaſe.

PUrchaſe eſt le Poſſeſſion q̃ un hõe ad en Tres ou Tenements p̃ ſon act demeſne, means, ou agreem̃t, & nemy p̃ title de Diſcent d aſcun de ſes anceſtors. Veies *Lit. l.* 1 *c.* 1.

Purchaſe.

PUrchaſe is the Poſſeſſion that a Man hath in Lands or Tenements by his own act, means or agreement, and not by title of Diſcent from any of his Anceſtors. See Littl. l. 1. c. 1.

Purlue.

PUrlue eſt tout ceſt Terre pchein aſcun Forreſt, q̃ eſteant fait Forreſt p̃ *Henry* le ſecond, *Richard* l' primer, ou *Joan* le Roy, fuiſt per Perambulations grantus p̃ *Henry* le tierce ſeverr arer̃ del meſm.

Purlue.

PUrlue is all that Ground near any Forreſt, which being made Forreſt by Henry the ſecond, Richard the firſt, or King John, was by Perambulations granted by Henry the third ſevered again from the ſame. Man-

wood

wood part 2. of his Forrest Laws, c. 20. And it seems that this word is composed either of pouralle, that is, to go or walk about; or purelieu, that is, a pure place, because such Lands as were by those King's subjected to the Laws and Ordinances of the Forrest, are now cleared and freed from the same: As the Civilians call that a pure place, which is not subject unto Burials; so likewise this may be called a pure place, because it is exempted from the servitude and thraldom which was formerly laid upon it.

Purlue man is he that hath Lands within the Perlieu, and being able to dispend forty shillings by the year of Free-hold, is upon these two points licensed to hunt in his own Purlieu. Manwood, part 1. p 151. & 177. See now the Stat. made 1 Jac. c. 27.

Purpresture.

PUrpresture is a word derived from the French Pourpris, which signifies to take from another, and to appropriate to himself: and therefore a Purpresture in a general sense is taken for any such wrong done by one man to another.

Purpresture in a Forrest is every Incroachment upon the King's Forrest, be it by Building, Inclosing, or using of any liberty without a lawful warrant so to do. And of this see Manwood in his Forrest Laws, c. 10. f. 74. a.

Purveyors.

PUrveyors were ancient Officers to provide Victuals for the King, which Office is mentioned in the Statutes, 28 E.

Manwood, part 2. de ses *Forrest Leys, c.* 20. Et semble q̄ ceſt parol eſt fait ou de *pouralle*, ceo eſt, *perambulare*, ou *purelieu*, ceo eſt, *purus locus*, p̄ ceo que tiels Trēs quex fueront per ceux Roys ſubject al Leys & Ordinances del Forreſt, ſont jammes clere & franke del meſme: Come les Civilians appel ceo *purum locum*, *qui Sepulchrorum religioni non eſt obſtructus*; en mem̄ le maner c' puit eſtr̄ appel *pure lieu*, p̄ ceo q̄ eſt exempt del ſervitude ou thraldom q̄ ſuiſt par devant ſur ceo impoſe.

Purlue home eſt ceſtuy que ad Trēs deins le Purlieu, & eſteant able a diſpender 40 ſoulz per l'an de Franktenement, eſt ſur ceux deux choſes licence de chaſer en ſon Purlieu demeſne. *Manwood, part* 1. *p.* 151. *&* 177. Veies le Statute 1 *Jac.* 27.

Purpreſture.

PUrpreſture eſt un parol derive de *Francois* **Pourpris**, q̄ ſignifie de prender del auter, & p̄ appropriate a luy meſme, & p̄ ceo un Purpreſture ē un general ſenſe eſt priſe p̄ aſcun tiel tort fait p un home al auter.

Purpreſture en un Forreſt eſt chaſcun Encrochment ſur le Forreſt le Roy, ſoit ceo per Edifier, Incloſer ou p uſer d' aſcun liberte ou privilege ſans un loyal garrant iſſint faire. Et de ceo veies *Manw. Forreſt Leys, c.* 10. *f.* 74. *a.*

Purveyors.

PUrveiors fuer' auncient Officers a provider Victuals pur le Roy. Quel Office eſt mencon en Stat. 28 *Edw.* 1. *cap.* 2.

cap. 2. *&* 36 *Ed.* 4. *cap.* 6. *&* 14. *Ed.* 3. *cap.* 19. Mes eſt aboly per Stat. 12 *Car.* 2. *c.* 24.

1. cap. 2. & 36 E. 4. cap. 6. & 14. E. 3. cap. 19. But it is aboliſhed by the Stat. 12 Car. 2. Cap. 24.

Q.

Quadrantata terræ.

Quadrantata terræ eſt le quarte part d'un Acre.

Quæ plura.

Quæ plura eſt un Brief que giſt en caſe lou le Eſcheator ad trove un Office *virtute officii* apres le mort le Tenant le Roy, & nad trove touts les Tres des queux il moruſt ſeiſie, adonques ceſt Bre iſſera e nature d'un *Melius inquirendo*, p trover qux Tres il avoit *pluſors*. Veies *F. N. B.* 255. *a.*

Quale jus.

Quale jus eſt un Brief q giſt lou aſcun Abbot, Prior, ou tiels auters, averont Judgment de recover Tre p le Default del Tenant vers q le Terre eſt demaunde; donq; devant judgment done, ou Execution agard, ceſt Bre iſſera al Eſcheator, p enquirer quel droit il ad a recover: Et ſi ſoit trove que il nad droit, donques le Seignior q duiſt aver le Terre le Tenant ſil alien en Mortmain poit enter come en Terre alien en Mortmaine, car cel perder p Default eſt ſemble a un Alienation. Vide le Statute de *Weſtm.* 2. *c.* 32.

Mes lou un voile doner Terres al Meaſon de Religion, un *Ad quod damnum*

Q.

Quadrantata terræ.

Quadrantata terræ is the fourth part of an Acre.

Quæ plura.

Quæ plura is a Writ that lies in caſe where the Eſcheator hath found an Office after the death of the King's Tenant virtute officii, and hath not found all the Lands of which he died ſeiſed; then this Writ ſhall iſſue in nature of a Melius inquirendo; to find what Lands he had more. See F. N. B. f. 255. a.

Quale jus.

Quale jus is a Writ that lies where an Abbot, Prior, or ſuch other, ſhould have Judgment to recover Land by Default of the Tenant againſt whom the Land is demanded; then before Judgment given, or Execution awarded, this Writ ſhall go forth to the Eſcheator, to enquire what right he hath to recover: And if it be found that he hath not right, then the Lord who ſhould have the Land if the Tenant had alienated in Mortmain may enter as into Land alienated in Mortmain, for this loſing by Default is like an Alienation. See the Stat. Weſtm. 2. c. 32.

But where one will give Lands to a Houſe of Religion, an Ad quod damnun ſhall go forth to

to the Eſcheats to enquire of what value the Land is, and what Prejudice it ſhall be to the King.

Quare ejecit infra terminum.

Quare ejecit infra terminum is a Writ that lies where one makes a Leaſe to another for Term of Years, and the Leſſor infeoffs another, and the Feoffee puts out the Termour; then the Termour ſhall have this Writ againſt the Feoffee. But if another Stranger put out the Termour, then he ſhall have a Writ De ejectione firmæ againſt him. And in theſe two Writs he ſhall recover the term and his damages.

Quare impedit.

Quare Impedit is a Writ that lies where I have an Advowſon, and the Parſon dies, and another preſents a Clerk, or diſturbs me to preſent; then I ſhall have the ſaid Writ. But Aſſiſe de darrein Preſentment lies where I or my Anceſtors have preſented before. And where a Man may have an Aſſiſe de darrein Preſentment, he may have a Quare Impedit, but not contrariwiſe.

Alſo if the Plea be depending between two parties, and be not diſcuſſed within ſix months, the Biſhop may preſent by Lapſe, and he that hath right to preſent ſhall recover his Damages, as appears by the Statute of Weſtm. 2. c. 5. And if he that hath right to preſent after the Death of the Parſon brings no Quare impedit, nor Darreine Preſentment, but ſuffers a Stranger to uſurp upon him, yet he ſhall have a Writ of right

iſſera al Eſcheator, pur enquirer de que value le Terre eſt, & quel prejudice il ſerra al Roy.

Quare ejecit infra terminum.

Quare ejecit infra terminum eſt un Bre que giſt lou un fait Leaſe a un auter pur terme d'ans, & le Leſſor enfeoffa un auter, & le Feoffee ouſta le Termour; donques le Termour avera ceſt Brief vers le Feoffee. Mes ſi un auter eſtranger ouſte le Termour, donques il avera Brief *De ejectione firmæ* vers luy. Et en ceux deux Bres il recovera le terme & ſes dammages.

Quare impedit.

Quare impedit eſt un Bre que giſt lou jeo ay Advowſon, & le Parſon devie, & un auter preſent ſon Clerk, ou diſturbe de preſenter; donqs jeo avera le dit Brief. Mes *Aſſiſe de darrein preſentment* giſt lou jeo ou mon anceſtors ount preſent devant. Et lou home poit aver *Aſſiſe de darrein preſentment*, il poit aver un *Quare impedit*, mes nemy contrarie.

Auxy ſi l' Plee ſoit dependant enter deux parties, & ne ſoit diſcuſſe deins ſize moys, l' Eveſq; preſentera per laps, & ceſtuy que ad droit de preſenter recovera dammages, come appiert per le Statute de *Weſtm.* 2. *c.* 5. Et ſi ceſtuy que ad droit de preſenter aps le mort del Parſon ne porta *Quare impedit*, ne *Darreine preſentment*, mes ſuffer un eſtranger d'uſurper ſur luy, uncore il avera un Brief de

Droit

Droit d' Advowſon. Mes ceſt Brief ne giſt ſi il ne claime d aver le Advowſon a luy & ſes heirs en Fee.

of Advowſon: But this Writ lies not, unleſs he claim to have the Advowſon to him and his Heirs in Fee.

Quare incumbravit.

QUare *incumbravit* eſt un Brief que giſt lou deux ſont en Plee pur l' Advowſon, & l'Eveſque admit le Clerk d'un d'eux deins le ſize moys; donques il avera ceo Bre vers l' Eveſque. Mes ceo Brief giſt touts foits pendant le Plee.

Quare incumbravit.

QUare incumbravit is a Writ that lies where two are in Plea for the Advowſon, and the Biſhop admits the Clerk of one of them within the ſix Months; then he ſhall have this Writ againſt the Biſhop. But this Writ lies always depending the Plea.

Quare intruſit Matrimonio non ſatisfacto.

QUare *intruſit Matrimonio non ſatisfacto* eſt un Brief que giſt lou leSeignior profera convenable Marriage a ſon Garde, & il refuſa, & entra ẽ le Terre, & ſoy marry a un auter; donques le Seignior avera ceſt Brief vers luy.

Quare intruſit Matrimonio non ſatisfacto.

QUare intruſit Matrimonio non ſatisfacto, is a Writ that lies where the Lord profers convenable Marriage to his Ward, and he refuſes, and enters into the Land, and marries himſelf to another; then the Lord ſhall have this Writ againſt him.

Quare non admiſit.

QUare *non admiſit* eſt un Brief que giſt lou home ad recover un Advowſon, & il manda ſon convenable Clerke al Eveſque pur admit, & l'Eveſque ne voile luy receiver; donques il avera le dit Brief vers l' Eveſque. Mes Brief de *Ne admittas* giſt lou deux ſont en Plee; ſi le Plaintiff ſuppoſe que l'Eveſque voit admit le Clerk le Defendant, donques il poit aver ceſt Bre al Eveſque, luy commandant que il ne luy admitte pendant le Plee.

Quare non admiſit.

QUare non admiſit is a Writ that lies where a Man hath recovered an Advowſon, and ſends his convenable Clerk to the Biſhop to be admitted, and the Biſhop will not receive him; then he ſhall have the ſaid Writ againſt the Biſhop. But a Writ of Ne admittas lies where two are in Plea; if the Plaintiff ſuppoſe the Biſhop will admit the Clerk of the Defendant, then he may have this Writ to the Biſhop, commanding him not to admit him hanging the Plea.

Quare non permittit.

QUare *non permittit* eſt un Brief que giſt pur luy que

Quare non permittit

QUare non permittit is a Writ which lies for one who hath

Right

Right to preſent to a Turn againſt the Proprietor.

avoit droit a preſenter pur un Turn vers le Proprietor.

Quare obſtruxit.

Quare obſtruxit is a Writ that lies for a Man that hath Liberty to go through his Neighbours Ground, and cannot enjoy it, becauſe he hath ſo ſtrengthned it.

Quare obſtruxit.

Quare obſtruxit eſt un Brief que giſt pur un home que avoit liberty de paſſer trans le terre de ſon vicine, & ne poet ceo enjoyer, pur ceo que il avoit ceo fortifie.

Quarels.

Quarels is derived from Querendo, and extends not only to Actions as well real as perſonal, but alſo to the Cauſes of Actions and Suits; ſo that by the Releaſe of all Quarels, not only Actions depending in Suit; but Cauſes of Action and Suit alſo are releaſed; and Quarrels, Controverſies and Debates, are words of one ſenſe, and of one and the ſame ſignification, Coke lib. 8. fol. 153.

Quarels.

Quarels eſt derive a *Querendo*, & extend non ſolemt al Actions cybien real come perſonal, mes auxy al Cauſes de Actions & Suits: iſſint que p Releaſe des touts Quarels, non ſolement Actions dependant en Suit, mes Cauſes d Action & Suit auxy ſont releaſe; & Quarels, Controverſies & Debates ſōt Synonyma, & de un meſme ſignification. *Coke, lib.* 8. *fol.* 153.

Quarentine.

Quarentine is, where a man dies ſeiſed of a Mannour-place and other Lands, whereof the Wife ought to be endowed; then the Woman may abide in the Mannour-place, and there live of the ſtore and profits thereof the ſpace of forty Days, within which time her Dower ſhall be aſſigned: as it appears in Magna Charta cap. 6.

Quarentine.

Quarentine eſt, lou home devie ſeiſie d un Mañor-place, & de auters Terres dont ſa Feme doit eſtre endow, donques la feme tiendra ſe en le Mannor-place, & la vive de le ſtore & profits de ceo per *quarant jours*, deins quel temps ſa Dower ſerra a luy aſſigne: come appiert en *Magna Charta, cap.* 6.

Quaſh.

Quaſh, i. e. caſſum facere, to overthrow or annul, Bract. lib. 5. Tract. 2. cap. 5. num. 4. As if the Bailiff of a Liberty return any out of his Franchiſe, this Array ſhall be quaſh'd: ſo an Array returned by one who hath no Franchiſe, 1 Inſt. 156

Quaſh.

Quaſh, i. e. *Caſſum facere*, de averter ou annuiler, *Bract. lib.* 5. *Tract.* 2. *cap.* 5. *num.* 4. Come ſi le Bailiff de un Liberty return aſcun hors de ſon Franchiſe, le Array ſerra quaſh. Iſſint un Array return per un que avoit nul Franchiſe, 1 *Inſt.* 156.

Que estate.

Que estate est un Terme en pleading p̄ avoider prolixity, si come un plead un feoffment en fee al *A. cujus quidem A. statum idem B. modo habet*, & null poet ceo plead forsque Tenant del fee, nec poit estree plead de choses queux passont merement p̄ grant come Advowsons ou Franchises, *&c.*

Que estate.

Que estate is a term in pleading to avoid Prolixity; as if a man pleads a Feoffment in Fee to B. cujus statum idem B. modo habet, and no one can plead it but Tenant of the Fee; nor can it be pleaded of things which pass meerly by grant as Advowsons, Franchises, &c.

Quem redditum reddit.

Quem redditum reddit est un Brief Judicial que gist pur luy a que un Rent-seck ou Rent charge is grant per Fine levy en le Court le Roy vers le Tenant del terre qui refuse de retorner, per ceo forceant luy de attorner. *Vet. N. B.* 126.

Quem redditum reddit.

Quem redditum reddit is a Writ Judicial, which lies for him to whom a Rent-seck, or Rent-charge is granted by Fine levyed in the King's Court against the Tenant of the Land who refuseth to return, hereby compelling him to attorn, Vet. N. B. 126.

Quid juris clamat.

Quid juris clamat est un Bre q̄ gist lou jeo graunt le Reversiō de mon Tenant a terme de vie p̄ Fine en Court le Roy, & le Tenant ne voit atturner; donques le Grantee avera cest Bre p̄ luy chaser. Mes Brief de *Quem redditum reddit* gist lou jeo grant per Fine un Rent charge, ou auter Rent que nest Rent service, quel mon Tenant tient de moy, & le Tenant ne voit attorner; donques le Grantee avera cest Brief. Et Bre de *Per quæ servitia* gist en semble case pur Rent service.

Auxy si jeo graunt iv. divers Rents a un home, & le Tenant de Terre attourna al Grauntee per payment de un denier, ou un maile, en nosme de Attournment de

Quid juris clamat.

Quid juris clamat, is a Writ that lies where I grant the Reversion of my Tenant for Life by Fine in the King's Court, and the Tenant will not attorn; then the Grantee shall have this Writ to compel him. But a Writ of Quem redditum reddit lies where I grant by Fine a Rent charge, or another Rent which is not Rent Service, which my Tenant holds of me, and the Tenant will not attorn; then the Grantee shall have this Writ. And a Writ of Per quæ servitia lies in like case for Rent Service.

Also if I grant four divers Rents to one Man, and the Tenant of the Land attourns to the Grantee by payment of a Penny, or of a Half-Penny, in the name of Attournment for all

the

the Rents; this Attournment ſhall put him in Seiſin of all the Rent. But theſe three Writs ought to be brought againſt thoſe who are Tenants at the day of the Fine levied, and againſt no other.

Fifteenth.

Fifteenth is a Payment granted in Parliament to the King by the Temporalty, namely, the Fifteenth part of their Goods: And it was uſed in ancient time to be levied upon their Cattel going in their Grounds, which thing was very troubleſome; and therefore now for the moſt part that way is altered, and they uſe to levie the ſame by the Yard or Acre, or other meaſure of Land; by means whereof it is now leſs troubleſome and more certain than before, and every Town and Country know what Sum is to be paid among them, and how the ſame ſhall be raiſed. We read that Moſes was the firſt that numbred the People, for he numbred the Iſraelites; and the firſt Tax, Subſidy, Tribute or Fifteenth, was invented by him among the Hebrews, as Polydore Virgil thinks.

Quit claim.

Quit claim is a Releaſe or Acquitting of a Man for any Action that he hath or might have againſt him Bracton l. 5. tract. 5. ca. 9. nu. 9.

Quo jure.

Quo jure is Writ that lies where a Man hath had Common of Paſture in anothers ſeveral within the time of Memory; then he to whom

tous ceux Rents; ceſt Attournm̃t luy mittera en ſeiſin de tout ceſt Rent. Mes ceux trois Briefs covient eſtr̃ port vers eux que ſont Tenants a jour del Fine levie, & vers nul auters.

Quinziſme.

Quinziſme eſt un Payment grant en Parliam̃t al Roy p̄ les Layes gents, ceſtaſcavoir, l' *quinziſme* part de lour Biens: Et fuit uſe en ancient temps deſtre levie ſur lour avers eſteants en lour terres, que choſe fuit mult troublous; & p̄ ceo a ore pur le pluis part ceſt voy eſt alter, & ils uſe de levie ceo per le Verge ou Acre, ou auter meaſure de Terre; per reaſon de que il eſt a ore meins troublous & plus certain q̄ devant, & cheſc̄ Ville & Pays ſcient q̄l ſumme eſt deſtre pay perenter eux, & comment ceo ſerra raiſe. Nous legimus que *Moſes* fuit le primer q̄ number le people, car il number les *Iſraelites*; & pur c̄ le primer Tax, Subſidie, Tribute, ou Quinziſme, fuit invent per luy enter les *Hebrews*, come *Polydore Virgil* ſuppoſe.

Quit claim.

Quit claim eſt un Releaſe ou Acquitting d̄ un hōe p̄ aſcun Action q̄ il ad ou poit aver envers luy. *Bract. l. 5. tract. 5. cap 9. num. 9.*

Quo jure.

Quo jure eſt un Brief que giſt lou home ad ewe Common de Paſture en auter Several deins le tēps de memorie; donques celuy a q̄ appet

appertient l'Several avera ceſt Brief, a charge luy de monſtrer p quel Title il claim le Common.

the Several belongs shall have this Writ to charge him to shew by what Title he claims the Common.

Quo minus.

QUo *minus* eſt un Bre que giſt lou home ad grant a un auter Houſebote & Heybote en ſon boys, & le Grantor fait tiel Waſt & Deſtruction que le Grantee ne poit aver ſō reaſonable Eſtovers; donq; l' Grantee avera le avantdit Brief, que eſt en natura de Brief de Waſt.

Et nota que *Houſebote* eſt certain Eſtovers pur amender le Meaſon; & *Heybote* eſt certain Eſtovers p̄ amender Heyes & Hedges.

Eſt auter Brief appelle *Quo minus* en l' Exchequer, quel aſcun Termour ou Dettour al Roy avera vers aſcun auter pur Debt ou Treſpaſſe en le Exchequer Office appelle le Common Pleas, per que le Plaintiff ſurmittera, que pur le tort que le Defendant fait a luy, il eſt *meynes* able a payer le Roy ſon Dett ou Terme; quel eſt ſurmiſe a doner Juriſdiction al Court d' Exchequer d' oyer & terminer la cauſe del Suit enter eux, quel auterment ſerroit determine en auter Court.

Quo minus.

QUo minus is a Writ that lies where a Man hath granted to another Houſebote and Heybote in his Wood, and the Grantor makes ſuch waſte and deſtruction that the Grantee cannot have his reaſonable Eſtovers, then the Grantee ſhall have the aforeſaid Writ, which is in nature of a Writ of Waſte.

And note that Houſebote is certain Eſtovers to mend the Houſe; and Heybote certain Eſtovers to mend Heyes and Hedges.

There is another Writ called a Quo minus in the Exchequer, which any Termor or Debtor to the King ſhall have againſt any other for Debt or Treſpaſs in the Exchequer Office called the Common Pleas, by which the Plaintiff ſhall ſurmiſe, that for the wrong which the Defendant doth him, he is leſs able to pay the King his Debt or Term; which is ſurmiſed to give Juriſdiction to the Court of Exchequer to hear and determine the cauſe of the Suit between them, which otherwiſe ſhould be determined in another Court.

Quo warranto.

QUo *warranto* eſt un Brief q̄ giſt lou home uſurpe daver aſcun Franchiſe ſur le Roy; donques le Roy avera ceſt Brief, de faire luy vener devant ces Juſtices, pur monſtre per quel Title il claime tiel Franchiſe.

Quo warranto.

QUo warranto is a Writ that lies where a man uſurps to have any Franchiſe upon the King; then the King ſhall have this Writ to make him come before his Juſtices, to ſhew by what Title he claims ſuch Franchiſe.

Quod

Quod ei deforceat.

QUod ei deforceat is a Writ that lies where Tenant in Tail, Tenant in Dower, or Tenant for Life loses by Default in any Action; then he shall have this Writ against him that recovers, or against his Heir, if he think he hath better right than he who recovered. See the Statute West. 2. cap. 4.

Quod permittat.

QUod permittat is a Writ that lies where a Man is diſſeiſed of his Common of Paſture, and the Diſſeiſor aliens or dies ſeiſed, and his Heir enters; then if the Diſſeiſee die, his Heir ſhall have this Writ.

Quod ei deforceat.

Quod ei deforceat eſt un Bre que giſt lou Tenant en Tail, Tenant en Dower, ou Tenant a Vie perde p Default en aſcun Action; dōques ceſtuy avera ceſt Brief vers celuy que recovera, ou vers ſon Heire, ſi il entende que il avoit melior droit q̄ il q̄ recovera. Veies l' Stat. *Weſt.* 2. c. 4.

Quod permittat.

Quod permittat eſt un Brief q̄ giſt lou home eſt diſſeiſie de ſon Common de Paſture, & l' Diſſeiſor alien ou devie ſeiſie, & ſon Heire entr̄ ; donques ſi l' Diſſeiſee devie, ſon Heire avera ceſt Brief.

Quod permittat.

Habere
- Chiminum. — *Raſt. Entr.* 538. *Co. Entr.* 526.
- Eſtoverium turbarum. — *F. N. B.* 124.
- Paſſagium p aquam. — *Raſt. Entr.* 538.
- Liberam chaceam. — 2 *Inſtitut.* 654.
- Liberum taurum. — *F. N. B.* 124.
- Liberam faldam. — *Ibid. &* 6. *E.* 4. 1.
- Liberam piſcar. *&c.* — *Ibidem.*

Proſternere
- Domum, murum, ſepem, — 5 *Coke* 100.
- Ripam, *&c.* — 9 *Coke* 53.

R

Ran.

RAn ſignifies ſo open a Spoiling of a Man, that it cannot be denied. Lambert Arch. fol. 125.

R

Ran.

RAn *ſignificat tam apertam Rapinam, quæ negari non poteſt. Lamb. Arch. fol.* 125.

Ranger

Ranger.

RAnger venuſt del parol *Francois Range, (id eſt Ordo, vel Series)* & ſignifie un Officer del Forreſt q; eſt appoint ſe pourmener chesc' jour p le purlieu dont il eſt le Ranger, pur rechaſer les Feres hors ceo en le Forreſt arere; de veier, oyer & inquire des Offenders la, & de preſenter lour Offences. Veies *Manw. cap.* 20. *fol.* 185. *&c.*

Ranger.

RAnger comes from the French word Range, (that is, Ordo vel Series) and ſignifies an Officer of the Forreſt that is appointed to walk every Day through the Purlieu whereof he is Ranger, to drive back the wild Beaſts into the Forreſt again; to ſee, hear, and inquire of Offenders there, and to preſent their Offence. See Manwood, cap. 20. fol. 185. &c.

Ranſome.

RAnſome ſignifie properment ceo Summe que eſt pay per le Redemption dun q̄ eſt priſe captive en guerre. Mes eſt auxy uſe pur un Summe des deniers paye pur le pardoner daſcun grand Offence; come en le Statute de 3 *H.* 4. *cap.* 7. & en auters Stat. Fine & Ranſome alants inſemble; 23 *H.* 8. *cap.* 3. & aylors.

Ranſome.

RAnſome ſignifies properly the Sum that is paid for the redeeming of one that is taken Captive in War. But it is alſo taken for a Sum of Money paid for the pardoning of ſome great Offence; as in the Statute of 1 H. 4. cap. 7. and in other Statutes: Fine and Ranſome going together; 23 H. 8. cap. 3 and elſewhere.

Rape.

RApe ad deux ſignifications: Le primer eſt quant il eſt priſe p̄ le part del County; come *Southſex* eſt divide en ſize parts, que p un peculiar nōe ſont appel' Rapes, *Camb. Britan. p.* 225. & ceux parts en auters pays ſont app' Hundreds, Tythings, Lathes, ou Wapentakes.

En laut' ſenſe il eſt l' violēt Conuſance dun fēme encount' ſa volunt: & ceſt offence eſt Felōie, cybiē ē l'Principal cōe ē les Acceſſories. V. 11 *H.* 4. *c.* 13. 1 *Ed.* 4. *c.* 1. *Weſtm.* 2. *c.* 13. *Crompts Juſt. de Peace, f.* 43, 44.

Rape.

RApe hath two ſignifications: the firſt is when it is taken for part of a County; as Suſſex is divided into ſix parts, which by a peculiar Name are called Rapes, Cambd. Britan. Pag. 225. And theſe parts in other Countries are called Hundreds, Tithings, Lathes or Wapentakes.

In the other Senſe it is the Violent Deflouring a Woman againſt her Will: And this Offence is Felony, as well in the Principal as in his Aidors. See 11 H. 4 c. 3. 1 Ed. 4. c. 1. Weſt. 2. c. 13. Crōpt. Juſt. of Peace, f. 43, 44.

Ra-

Rate Tythe.

RAte Tythe is where Sheep or other Cattel are kept in a Parish for less time than a year, the Owner must pay Tythe for them pro rata according to the Custom of the place. Fitz. N. B. 51. Bro. disms 26.

Rationabili parte bonorum.

RAtionabili parte bonorum is a Writ that lies for the Wife against the Executors of her Husband, to have the third part of his Goods after Debts paid and Funeral expences discharged. But whether this Writ lies by the Common Law, or only by the Custom of some Countries, is a question in our Book. See F. N. B. fol. 122. L.

Rationabilibus divisis.

RAtionabilibus divisis is a Writ that lies where there are two Lordships in divers towns, and one nigh the other, and any parcel of one Lordship, or Waste, hath been incroched by little parcels; then the said Lord from whom the parcel of Ground or Waste hath been incroched shall have this Writ against the Lord that hath so incroched.

Ravishment de Gard.

RAvishment de Gard, is a Writ that lies for the Gardian by Knights Service, or in Soccage, against him that takes from him the Body of his Ward. And of this see F. N. B. fol. 140. E. &c.

Rebutter.

REbutter is, when one by Deed or Fine grant to warrant

Rate Tythe.

RAte Tythe est lou Berbits, ou auter Avers sont reserve en un Parish pur meinder temps que un an, le Owner doit payer Tythe pur ceux pro rata accordant al Custom del lieu, *Fitz. N. B. 51. Bro. disms 26.*

Rationabili parte bonorum.

RAtionabili parte bonorum est un Bre q; gist p̄ un Feme vers le Executors sa baron, daver le tierce part de ses biens apres Detts payes & Funeral Expences discharge. Mes si cest Brief gisera al Common Ley, ou solem̄t per le Custom dascun Pais, est un question en nostre Livres. Veies *F. N. B. 122. L.*

Rationabilibus divisis.

RAtionabilibus divisis est un Brief que gist lou sont deux Seigniories en d vers Villes, & un pres de auter, & ascun parcel de S̄ur, ou de Wast, ad este encroche p petits parcels ; donques celuy Seignior de que le parcel de Terre ou le Wast ad este encroche avera cest Brief envers le Seignior que ad issint encroche.

Ravishment de Gard.

RAvishment de Gard est un Brief que gist pur le Gardian en Chivalry, ou Soccage, vers cestuy que prist de luy le corps son Gard. Et de c' veies *F. N B fol. 140. E. &c.*

Rebutter.

REbutter est, quant un per Fait, ou Fine grant d'garrantez

ranter aſcun Terre ou Hereditamẽt a un auter, & ceſtuy que fiſt le Garrantie, ou ſon Heir. ſua celuy a q; le Garrantie eſt fait, ou ſon Heire, ou Aſſignee: ſi celuy que iſſint ſue pleade le dit Fait ou Fine ove Garrantie, & demand Judgement, ſi le Plaintiff ſerra receive a demander le choſe que il doit garrant', enconter cel Garrantie, per le Fait ou Fine avantdit, compernant tiel Garrantie, tiel Pleader en Garrantie eſt appele un *Rebatter*.

Ceſt paroll eſt auxi un denomination d' un Plea q̃ ſucceed le plea appel ſurrejoinder, & puis le Rebutter ſucceed Surrebutter. Queux veies, *Cokes Entries, fol.* 284.

Recaption.

RECaption eſt un ſecond Diſtreſſe dun que fuit auterfoits diſtrein devant p̃ m̃ le cauſe, & c' durant le Plea ground ſur le former Diſtreſſe. Eſt auxy le noſme del Brief ou Remedy que le Ley doñ a ceſtuy q̃ eſt iſſint deux foits diſtrein p̃ un choſe: le form̃ & uſe d q̃l Br' poies veier en *F. N. B. f.* 71. *E. &c*

Recluſe.

RECluſe eſt ceſtuy que p̃ le reaſon de ſon Order en Religion ne poit mover ou departer hors de ſon Meſſon ou Cloiſter Et dun tiel, *Littleton* parle *ſect.* 434.

Recognizance.

RECognizance eſt un Obligation fait devant un Maſter del Court de Chaucery pur un Debt, ou a performer Covenants, ou un Order ou Decree del Court ſur q̃ un Elegit iſſue ſi les condi-

and Land or Hereditament to another, and he who made the Warranty, or his Heir, ſues him to whom the Warranty is made, or his Heir, or Aſſignee, for the ſame thing: now if he who is ſo ſued pleads the ſaid Deed or Fine with Warranty, and demands Judgement, if the Plaintiff ſhall be received to demand the thing which he ought to warrant againſt that Warranty, by Fine or Deed aforeſaid comprehending ſuch Warranty, ſuch Pleading of the Warranty is called a Rebutter.

This word is alſo a denomination of a Plea which followeth a Rejoynder: And after the Rebutter followeth the Surrebutter. See Coke's Entries fol. 284.

Recaption.

RECaption is a ſecond Diſtreſs of one formerly diſtrained for the ſelf-ſame cauſe, and that during the Plea grounded upon the former Diſtreſs. It is alſo the name of the Writ or Remedy that the Law gives him who is thus twice diſtrained for one thing: the form and uſe of which Writ you may ſee in Fitz. N. B. fol. 71. E. &c.

Recluſe.

RECluſe is one that by reaſon of his Order in Religion may not ſtir or depart out of his Houſe or Cloiſter. And of ſuch Littleton ſpeaks, ſect. 434.

Recognizance.

RECognizance is an Obligation made before a Maſter of the Court of Chancery for a Debt, or to perform Covenants, or an Order or Decree of the Court, upon which an Extent iſſues if the Condi-

tions

tion be not perfoꝛmed; But no Capias lies upon it againſt the Cogniꝛoꝛ oꝛ his Executoꝛs. Quære & vide 2 Len. 84.

Recordare.

REcordare is a Writ directed to the Sheriff, to remoꝛe a Cauſe out of an inferioꝛ Court, as a Court of Ancient Demeſne, Hundꝛed Court, oꝛ County Court, into the King's Bench, oꝛ Common Pleas. And of this, ſee Fitz. N. B. fol. 70. B.

Record.

REcord is a Writing oꝛ Parchment, wheꝛein are Enꝛolled Pleas of Land, oꝛ Common Pleas Deeds oꝛ Criminal Pꝛoceedings in any Court of Reꝛoꝛd: But in Courts not of Reꝛoꝛd, as Admiralty, Courts Chriſtian Courts Baron, &c. Their Regiſtry of Pꝛoceedings are not pꝛoꝛeꝛly called Reꝛoꝛds: But Courts of Law held by the King's Gꝛant, aꝛe Courts of Record.

Where any judicial act is done during the term, the Reꝛoꝛd ꝛemains in the Bꝛeaſt of the Judges, and within their Remembꝛance, and theꝛefoꝛe the Roll is alteꝛable during the Term as the Court ſhall oꝛder. But when the Term is ended, the Reꝛoꝛd is in the Roll, and will not admit of any alteꝛation, amendment oꝛ pꝛoof to the contrary.

Recovery.

REcovery is commonly intended a common Recoꝛery by aſſent of parties to dock an Intail, and is founded upon a Writ of Entry. Alſo eꝛery Judgment is a Recoꝛery by the woꝛds Ideo conſideratum eſt quod recuperet.

tions ne ſont pforme, mes nul Capias ſur ceo giſt verſus le cogniſor ou ſes Executors. *Quære & vide 2 Len. 84.*

Recordare.

RECordare eſt un Brief direct al Viſcount, p̄ remover un Cauſe hors dun inferior Court, com̄ Court dl Anciēt dēeſne, Hundred Court, ou County Court, en Bank le Roy, ou Common Bank. Et de c' veies *F. N. B. f. 70. B.*

Record.

RECord eſt un Eſcript en Parchment, ou ſont enroll Pleas de Terre, ou Common Pleas, Faits, ou Criminal Proceedings en aſcun Court de Record; mes en Courts nient de Record come Admiralrie, Courts Chriſtian, Courts Baron, *&c.* lour Regiſtrie de procedure ne ſont pro prement dits Records: Mes Courts de Ley teign p Grant dl Roy ſont Courts de Record.

Lou aſcun judicial act eſt fait durant le Term, le Record remain en le ceur des Judges & deins lour remembrance; & pur ceo le Roll eſt alterable durant ceſt Term come le Court directera. Mes quant le Term eſt finie le Record eſt en le Roll & ne admittera aſcun alteration, amendment on Proof al contrary.

Recovery.

RECovery eſt commenm̄t intend un common Recovery p aſſent des parties a docker un Entaile, & eſt foundus ſur un Brief dentry. Auxi cheſcun judgment eſt recovery p les parols *Ideo conſideratum eſt quod recuperet.*

Resusants.

REcusants sont touts ceux queux seperate de l' Esglise & congregacon p Ley & Statutes estables en cest Roialm de ql opinion ou sect ils sont, come touts Judges ont ceo expound sup Statute 35 *El. cap.* 1. & divers auters Stat.

Recusants.

REcusants are all those who separate from the Church, and Congregation by the Laws and Statutes established in this Realm, of what opinion or Sect they are of. As all the Judges have expounded the Statute 35 Eliz. cap. 1. and divers other Stat.

Redisseisin.

REdisseisin Veies de ceo devant en le Title de *Assise.*

Redisseisin.

REdisseisin. Look of that before in the Title Assise.

Reextent.

REextent est un second Extent fait sur Terres ou Tenements, sur complaint fait que le prieur Extent fuit partialment performe. *Broke, tit. Extent fol.* 313.

Reextent.

REextent is a second Extent made upon Lands or Tenements, upon complaint made that the former Extent was partially performed. Broke tit. Extent, fol. 313.

Regarder.

REgarder venust del *Francois Regardeur, (i. e. Spectator)* & signifie un Officer del Forrest le Roy, jure de prender le regard del vert & inquire des touts Offences cõmises deins le Forrest, & des touts les cõcealments d eux; & si touts les Officers del Forrest bien executõt lour Offices ou memy. Veies *Manw. For. Leys, c.* 21. *f.* 191. *b.*

Regarder.

REgarder comes of the French Regardeur, (id est. Spectator) and signifies an Officer of the King's Forrest, sworn to take care of the Vert and Venison, and to view and inquire of all the Offences committed within the Forrest, and of all the concealments of them; and if all the Officers of the Forrest do well execute their Offices or no. See Manwood's Forrest Laws, cap. 21. fol. 191. b.

Regrator.

REgrator est celuy que ad Blees, Victuals, ou auters choses sufficient pur son necessary ops ou expences, & nient obstant engrois & achate en ses mains plus Blees, Victuals, ou auters tiels choses, al entent de vend cr arere al un pluis hault & chare price, en Faires, Markets, ou tiels semblable lieux:

Regrator.

REgrator is he that hath Corn, Victuals, or other things sufficient for his own necessary use or spending, and doth nevertheless ingross and buy up into his hands more Corn, Victuals, or other such things, to the intent to sell the same again at a higher and dearer price, in Fairs, Markets, or other such like places: wherein

whereof ſee the Statute 5 E. 6. cap. 14. He ſhall be puniſhed as a Foreſtaller.

Rejoynder.

REjoynder is, when the Defendant makes anſwer to the Replication of the Plaintiff.

And every Rejoynder ought to have theſe two properties ſpecially; that is, it ought to be a ſufficient Anſwer to the Replication, and to follow and enforce the matter of the Barre.

Relation.

RElation is, where, in conſideration of Law, two times or other things are conſidered ſo as if they were all one, and by this the thing ſubſequent is ſaid to take his effect by relation at the time preceding: As if one deliver a writing to another to be delivered to a third perſon, as the Deed of him who delivered it, when the other, to whom it ſhould be delivered, hath paid a ſum of Money; now when the Money is paid and the Writing delivered, this ſhall be taken as the Deed of him who delivered it at the time when it was firſt delivered. So Petitions of Parliament, to which the King aſſents on the laſt day of Parliament, ſhall relate and be of force from the firſt day of the beginning of the Parliament. And ſo it is of divers other like things.

Releaſe.

RElеaſe is the Giving or Diſcharging of the Right or Action which any hath or claims againſt another, or his Land.

And a Releaſe of Right is commonly made when one makes a Deed to another by

de que veies le Stat. 5 *E.* 6. *c.* 14. Il ſerra punie come *Foreſtaller.*

Rejoynder.

REjoynder eſt, q̄n le Defendant fait reſpons al Replication del Plaintiff.

Et cheſcun Rejoynder doit aver ceux deux properties ſpecialment: ceſtaſcavoire il doit eſtre ſufficient Reſpons al Replication, & de ſubſequent & ēforce le matter del Barr.

Relation.

RElation eſt, lou, en conſideration del Ley, deux temps ou auters choſes ſont conſideres tielment come ſi fueront tout un, & per ceo le choſe ſubſequent eſt dit de prendr' ſon force per *relation* al temps precedent: Sicome un deliver un Eſcript al un deſtre deliver al auter, come Fait ceſtuy q̄ ceo deliver, q̄t lauter, a que ſerroit deliver, ad pay aſcun ſumme de money; ore quant le money eſt pay, & l' Eſcript deliver, ceo ſerra repute come Fait ceſtuy q̄ ceo delivera al temps quant fuit primes deliver. Iſſint Petitions de Parliament, as q̄x le Roy aſſent al darreiñ jour d̄ Parliam̄t, aver ōt relation & prendront lour force del priñ jour del commencem̄t dl Parliament. Et iſſint eſt de divers auters choſes ſemblables.

Releaſe.

REleaſe eſt le Done ou Diſcharge del Droit ou Action q̄ aſcun eyt ou claime envers auter, ou ſon Terre.

Et un Releaſe de Droit eſt cōmunemēt fait q̄t un ſeſoit un fait a un auter p̄ ceux ou tiels

parolx, *Remiſiſſe relaxaſſe, & omnino pro me & Hered' meis quiet' clamaſſe.* A. B. *totum jus meum quod habui, habeo, ſeu quoviſmodo in futuro habere potero, in uno Meſſuagio, &c.* Mes ceux parols (*quoviſmodo habere potero*) ſont voids: Car ſi le Pere ſoit diſſeiſie, & le Fits releaſe p ſon Fait ſans Garrantie tout ſon droit, p ceux pols (*quoviſmodo in fut. habere potero &c.*) & le Pere moruſt; le Fits poit loyalment enter ſur le poſſeſſ. le Diſſeiſor.

Auxy en un Releaſe deDroit il covient que il a que le Releaſe eſt fait ad un Franktenement ou Poſſeſſion en les Terres en Fait ou en Ley, ou un Reverſion al temps del Releaſe fait; car ſi ad riens en le Terre al temps del Releaſe fait, le Releaſe ne ſerra a luy availeable. Veies pluis de ceo. *Littl. lib.* 3. *cap.* 8.

theſe or the like words, Remiſed, releaſed, and utterly for me and my Heirs quite claimed to A. B. all my right that I had, have, or by any means may have hereafter, in one Meſſuage, &c. But theſe words (whatſoever I may have hereafter) are void: For if the Father be diſſeiſed, and the Son releaſe by his Deed without Warranty all his right, by theſe words (whatſoever I may have hereafter, &c.) and the Father dies; the Son may lawfully enter on the poſſeſſion of the Diſſeiſor.

Alſo in a Releaſe of Right it is needful, that he to whom the Releaſe is made have a Freehold or a Poſſeſſion in the Lands in Deed or in Law, or a reverſion at the time of the releaſe made; for if he have nothing in the Land at the time of the releaſe made, the Releaſe ſhall not be to him available. See more hereof in Littl. lib. 3. cap. 8.

Relicta verificatione.

RElicta verificatione eſt quant un Defendant ad plead, & l' iſſue eſt enter de record. Et puis ceo le Defendant *relicta verificatione* (que eſt ſon plea) *cognoſcit actionem*, & ſur ceo Judgment eſt enter pur le Plaintiff.

Relicta verificatione.

RElicta Verificatione is when a Defendant hath pleaded, and the iſſue is entred of Record. And after that, the Defendant relicta verificatione (que eſt ſon Plea) acknowledges the Action, and thereupon Judgment is entred for the Plaintiff.

Relief.

RElief eſt aſcun foits un certain ſumm de money que l' Heir payera al Sñr d que ceux Terres ſont tenus, queux apres le deceaſe de ſon Anceſtor ſont a luy diſcende come procheiñ Heir. Aſcun foits il eſt le Paym̃t d' un auter choſe, & nemy money. Et pur ceo *Relief* neſt certain & ſem-

Relief.

RElief is ſometimes a certain ſum of Money that the Heir ſhall pay to the Lord of whom his Lands are holden, which after the deceaſe of his Anceſtor are to him deſcended as next Heir. Sometimes it is the Payment of another thing, and not Money. And therefore Relief is not certain and alike for all

all Tenures, but every ſeveral Tenure hath (for the moſt part) his ſpecial relief certain in it ſelf. Neither is it to be paid always at a certain age, but varies accord-ing to the Tenure.

As if the Tenant have Lands holden by Knights Service (except grand Serjeanty) and dies, his Heir being at full age, and holding his Lands by the Service of a whole Knights Fee; the Lord of whom theſe Lands are ſo holden ſhall have of the Heir an hundred ſhillings in the name of the relief; and if he held by leſs than a Knight's Fee, he ſhall pay leſs, and if more, then more; having reſpect always to the rate for every Knights Fee C s. And if he held by grand Serjeanty, (which is always of the King, and is alſo Knights Service) then the relief ſhall be the value of the Land by the year, beſides all charges iſſuing out of the ſame. And if the Land be holden in Petit Serjeanty or in Socage, then for the relief the Heir ſhall pay at one time as much as he ought to pay yearly for his Ser-vice; which is commonly called the Doubling of the Rent.

And if a man hold of the King in chief, and of other Lords, the King ſhall have the Ward of all the Lands, and the Heir ſhall pay re-lief to all the Lords at his full age; but the Lords ſhall ſue to the King by petition, and ſhall have the Rent for the time that the Infant was in Ward.

But ſee now that by the Sta-tute of 2 E. 6. cap. 8. the meſne Lords are not put unto their Pe-tition, but ſhall have all the rents paid them by the King's Officers upon requeſt yearly during the King's poſſeſſion.

blable pur touts Tenures, mes cheſcun ſundry Tenure ad (pur le pluis part) ſon ſpecial Relief certain en luy meſme. Neq; eſt c̄ deſtre paye touts foits al un certain age, mes il varie accordant al Tenure.

Come ſi le Tenant ad terre tenu per Service de Chivaler, (forſpris grand Serjeantie) & moruſt, ſon Heire eſteant de pleine age, & tient ſes Terres per le Service de un entier Fee de Chivaler, le Seignior de que ceux Terres ſont iſſint tenus avera del Heire C s. *nomine Relevii*: & ſi il tient per meins q̄ un Fee de Chivaler, il payera meins, & ſi pluis, donques pluis; aiant reſpect touts foits al rate p̄ cheſc' Fee de Chivaler un cent ſoulz, Et ſi tient p̄ grand Serjeantie, (que eſt touts foits del Roy, & eſt auxy Ser-vice de Chivaler) donq̄s le Re-lief ſerra le value del Terre per an, preter touts charges iſſuant hors de c'. Et ſi l' ſoit tenus en Petit Serjeantie ou c̄ Socage, donques p̄ le Relief le Heire payera al un foits tāt que il doit payer añuelment p̄ ſon Ser-vicee; q̄ eſt cōmunement ap-pelle le Doubling dl Rent.

Auxy ſi un home tient del Roy en chief, & des auters Sñrs, le Roy avera le Garde de touts les Terres, & le Heir payera Re-lief a touts les Seigniours a ſon plein age: mes les Seigniours ſuera al Roy p̄ petition, & a-vera le Rent pur le temps que le Enfant fuit en Gard.

Mes veies ore que per le Sta-tute de 2 *E.* 6. *c.* 8. les meſne Sñrs ne ſont miſes a lour Peti-tion, mes averont touts les Rents as eux payes per les Of-ficers le Roy ſur requeſt annu-elment durant le poſſeſſion le Roy.

Et nota, touts foits q̃t le Relief eſt due, il doit eſtre pay al un entier payment, & nemy per parts, nient obſtant que le Rent ſoit deſtre paye al ſeveral Feaſts. Veies le Statute 12 *Car.* 2. *cap.* 24.

And note, That always when the relief is due, it muſt be paid at one whole payment, and not by parts, although the rent be to be paid at ſeveral Feaſts. See the Statute 12 Car. 2. cap. 24.

Remainder.

REmainder de Terre eſt l' Terre que remainera apres le particular Eſtate determine: Come ſi un grant Terre p̃ reſme de ans, ou p̃ vie, le remainder al *J. S.* ceſt adire, q̃ quant le Leaſe p̃ ans eſt determin̄, ou le Leſſee pur vie eſt mort, donques le Terre remainera ou abide ove, al, ou en *J. S.* Veies *Reverſion.*

Remainder.

REmainder of Land is the Land that ſhall remain after the particular Eſtate determined: As if one grant Land for term of years or for life, the Remainder to J S that is to ſay, when the Leaſe for years is determined; or the Leſſee for life is dead; then the Land ſhall remain or abide with, to, or in J. S. See Reverſion.

Remembrancer del Eſchequer.

REmembrancer del Eſchequer: la ſont trois Officers ou Clerks la appel per tiel noſme; l' un eſt appel Remembrancer del Roy, l' auter del Seignior Treaſurer, & le tierce del Primer fruicts.

Le Remembrancer del Roy enter en ſon Office touts Recogniſances pur les Dets le Roy, Apparances, & pur obſerver Orders: auxy il priſt touts Obligations pur aſcun des Dets le Roy, pur Apparances, & obſervances d' Orders & fiſt Proces ſur eux p̃ le enfreinder de eux.

Le Remembrancer del Seignior Treaſurer fiſt Proces vers touts Viſcounts, Eſcheators, Receivers, & Bailiſes, pur lour Accounts; il fiſt le Proces de *Fieri facias*, & Extent pur aſcun Dets due al Roy, ou en le Pipe, ou ove les

Remembrancer del Eſchequer.

REmembrancer del Eſchequer: there are three Officers or Clerks there called by that name; one is called the Remembrancer of the King, the other of the Lord Treaſurer, and the third of the Firſt fruits.

The King's Remembrancer enters in his Office all Recogniſances for the King's Debts, Appearances, and for obſerving of Orders: alſo he takes all Obligations for any of the King's Debts, for Apparances, and obſerving of Orders, and makes out Proceſs upon them for the breaking of them.

The Lord Treaſurer's Remembrancer makes out Proceſs againſt all Sheriffs, Eſcheators, Receivers and Bailiffs, for their Accounts: he makes the Proceſs of Fieri facias, and Extent for any Debts due to the King, either in the Pipe, or with

with the Auditors; and he makes Process for all such revenue as is due to the King by reason of his Tenures.

The Remembrancer of the First Fruits takes all Compositions for First Fruits and Tenths, and makes Process against such as pay not the same. Of these Officers see more in Dalton's Book of the Office and Authority of Sheriffs, f. 186.

Auditors: & il fist Proces pur tout tiel Revenue que est due al Roy per reason de ces Tenures.

Le Remembraneer de les Primer fruicts prist touts Compositions p̄ Primer fruicts & Dismes, & fait Proces envers ceux q̄ ne pas paya m̄. De ceux Officers veies pluis ē *Dal.* Livre del *Office & Authoritie de Viscounts, f.* 186.

Remitter.

REmitter is, when a Man hath two Titles to any Land, and he comes to the Land by the last Title; yet he shall be judged in by force of his elder Title, and that shall be said to him a Remitter. As if Tenant in tail discontinue the Tail, and after disseises his Discontinuee, and dies thereof seised, and the Lands descend to his Issue or Cousin inheritable by force of the Tail; in that case he is in his Remitter, that is to say, seised by force of the Tail and the Title of the Discontinuee is utterly annulled and defeated. And the reason and cause of such Remitter is for that such an Heir is Tenant of the Land, and there is no person Tenant against whom he may sue his Writ of Formedon to recover the Estate tail; for he may not have an Action against himself.

Also if Tenant in tail infeoff his Son or Heir apparent who is within Age, and after dies; that is a Remitter to the Heir: but if he were of full Age at the time of such Feoffment, it is no Remitter, because it was his Folly, that he being of full Age would take such a Feoffment.

Remitter.

R*Emitter* est, quant un home ad deux Titles a aſcun Terre, & il vient al Terre p̄ le darreine Title; uncore il ſerra adjudge deins per force de ſon pluis eigne Title, & ceo ſerra dit a luy un *Remitter*. Come ſi Tenant ē le taile diſcontinua le Taile, & puis diſſeiſie ſon Diſcontinuee, & moruſt ent ſeiſie, & les Terres diſcendont a ſon iſſue ou Coſin inheritable p̄ force del Tail; en ceo caſe il eſt ē ſon *Remitter*, ceſtaſcayoir, ſeiſie del p̄ force del Tail, & le Title del Diſcontinuee eſt ouſterment anient & defete. Et le reaſon & cauſe de tiel *Remitter* eſt, p̄ ceo q̄ tiel Heire eſt Tenant del Tr̄e, & neſt aſcun p̄ſon Tenant vers que il poit ſuer ſon Brief de Formedon p̄ recover l'Eſtate tail: car il ne puit aver Action vers luy meſme.

Auxy ſi Tenant en le taile enfeoffa ſon Fitz ou Heire apparent q̄ eſt deins age, & puis devie: ceo eſt un *Remitter* al Heire, mes ſi il fuit d̄ plein age al temps de tiel Feoffm̄t, il neſt *Remitter*, p̄ c̄ q̄ il fuit ſon follie, q̄ il eſteant de plein age voile p̄nder tiel Feoffm̄t.

Si

Si le Baron alien Terre que il ad en le droit ſon Feme, & puis repriſt Eſtate a luy & a ſon Feme pur terme de lour vies; ceſt eſt un Remitter al Feme, pur ceo que ceſt Alienation eſt l' act le Baron, & nemy l' Act de la Feme; car nul follie poit eſtre adjudge en Feme durant le vie le Baron.

Mes ſi tiel Alienation ſoit per Fine en Court de Record, tel Repriſel apres al Baron & Feme pur terme de lour vies le ſerra la Feme deſtre en ſa Remitter; pur ceo que en tiel Fine la Feme ſerra examine per le Judge, & tiels examinations en Fines excluderont tiels Femes a touts jours.

Auxy quant l'Entrie d'aſc' home eſt congeable, & il priſt Eſtate a luy quant il eſt de plene age, ſi ne ſoit per Fait indent', ou matter de Record, que luy eſtoppera, ceo ſerra a luy bone Remitter.

If the Husband alien Lands that he hath in right of his wife, and after take an Eſtate again to him and to his Wife for term of their Lives; that is a Remitter to the Woman, becauſe this Alienation is the Act of the Husband, and not of the Woman; for no Folly may be adjudged in the Woman during the Life of her Husband.

But if ſuch Alienation be by Fine in Court of Record, ſuch a taking again afterward to the Husband and Wife for term of their Lives ſhall not make the Woman to be in her Remitter; for that in ſuch a Fine the Woman ſhall be examined by the Judge, and ſuch Examination in Fines ſhall exclude ſuch Women for ever.

Alſo when the Entry of any Man is lawful, and he takes an Eſtate to him when he is of full Age, if it be not by Deed indented, or matter of Record, which ſhall eſtop him, that ſhall be to him a good Remitter.

Rents.

R*Ents* ſõt d divers kinds; ceſtaſcav', Rent-ſervice, Rent-charge, & Rent-ſecke.

Rent-ſervice eſt, lou le Tenant en Fee-ſimple tient ſa Tre de ſon Sñr p Fealtie & certaine Rent, ou p auter Service & Rent; & donques ſi le Rent ſoit arere, le Sñr poit diſtraine, mes il jammais navera Action de Det pur ceo.

Auxy ſi jeo done Tres en le tail a un hõe, payãt a moy certain Rent, ceo eſt *Rent-ſervice*. Mes en tiel caſe il covient que le Reverſion ſoit en le Donour: Car ſi home fait Feoffment en Fee, ou un Done en tail, le Remainder

Rents.

REnts are of divers kinds; that is, Rent-ſervice, Rent-charge, and Rent-ſeck.

Rent-ſervice is, where the Tenant in Fee-ſimple holds his Land of his Lord by Fealty and certain Rent, or by other Service and Rent; and then if the rent be behind, the Lord may diſtrain, but ſhall not have an Action of Debt for it.

Alſo if I give Land in tail to a man, paying to me certain Rent, that is Rent-ſervice. But in ſuch caſe it behoves that the reverſion be in the Donor; for if a Man make a Feoffment in Fee, or a Gift in tail, the remainder over in Fee, with-

without Deed, reſerving to him a certain rent, ſuch reſervation is void, and that is by the Statute Quia Emptores Terrarum; and then he ſhall hold of the Lord of whom his Donour held.

But if a man by Deed indented at this day make ſuch Gift in Tail, the remainder over in Fee, or Leaſe for Term of life, the remainder over, or a Feoffment, and by the ſame Indenture reſerve to him rent, and that if the rent be behind, it ſhall be lawful for him to diſtrain; that is a Rent-charge.

But in ſuch caſe, if there be no Clauſe of Diſtreſs in the Deed, then ſuch a rent is called Rent-ſeck, for which he ſhall never diſtrain; but if he were once ſeiſed, he ſhall have Aſſiſe; and if he were not ſeiſed, he is without remedy.

And if one grant a rent going out of his Land, with clauſe of Diſtreſs, that is, a Rent-charge; and if the rent be behind, the Grantee may chuſe to diſtrain, or ſue a Writ of Annuity, but he cannot have both; for if he bring a Writ of Annuity, then the Land is diſcharged. And if he diſtrain, and avow the taking in Court of Record, then the Land is charged, and the perſon of the Grantor diſcharged.

Alſo if one grant a Rent-charge, and the Grantee purchaſes half, or any other part or parcel of the Land, all the Rent is extinct. But in Rent Service, if the Lord purchaſe parcel of the Land, the Rent ſhall be apportioned.

If one hath a Rent charge, and his Father purchaſe parcel of the Land, and that parcel deſcends to the Son, who hath ouſter en Fee, ſans Fait, reſervant a luy un Rent, tiel reſervation eſt voide, & ceo eſt per force del Statute *Quia emptores terrarum*; & donques il tiendra de le Sñr de q̄ ſon Donour tenoit.

Mes ſi home p̄ Fait indent a cel jour fait tiel Done ē le taile, le Remainder ouſter en Fee, ou leſſa pur term de vie, le Remainder ouſter; ou un Feoffm̄t, & p̄ m̄ l' Endenture reſerva a luy un Rent, & q̄ ſi le Rent ſoit arrere, que bien lirroit a luy a diſtrainer; ore tiel Rent eſt *Rent-charge*.

Mes en tiel caſe, ſi la ne ſoit clauſe de Diſtreſs en le Fait donques tiel Rent eſt appel *Rent-ſeck*, p̄ quel il ne jammais diſtrainera; mes ſi fuit un foits ſeiſie, il avera Aſſiſe; & ſi il jammais ne ſuit ſeiſie, eſt ſans remedie.

Aux' ſi un grant un Rent iſſuāt hors d̄ ſa Tr̄e, ove clauſe d̄ Diſtreſs, ceſt un *Rent-charge*, & ſi le Rent ſoit arrere, le Grantee poit eſlier d̄ diſtrainer, ou ſuer' un Br̄e d̄ Annuitie, mes il ne poit aver ambideux; car ſil port Br̄e d'Annuitie, donques le Tr̄e eſt diſcharge. Et ſi il diſtr̄, & avow le priſel en Court de record, donque, le Tr̄e eſt charge, & le plon d̄l Grantor diſcharge.

Auxy ſi un grant un Rent charge, & le Grantee p̄chaſe le moietie, ou aſc' auter part ou parcel de le Terre, tout le Rent eſt extinct. Mes ē Rent ſervice, ſi le Seignior p̄chaſe parcel del Terre, le Rēt ſerra apportion.

Si un ad un Rent-charge, & ſon Pere purchaſe parcel del Terre, & cel parcel diſcenda a le Fitz, q̄ ad le Rent charge;

charge ; ore cel Rent ſerra apportion ſolonque le value del Tre, come eſt dit le Rent ſervice ; p̄ ceo que le Fitz ne vient a ceo p̄ ſon act demeſn̄, mes p̄ diſcent.

Aux' ſi jeo face un Leaſe p̄ term d' ans, reſervant a moy un certain Rent, ceſt appel un Rent ſervice, pur quel il eſt a mon libertie a diſtrainer p̄ le Rent, ou aver un Action de Det : mes ſi le Leaſe ſoit determine, & le Rent ſoit aref, jeo ne puiſſe diſtraine, mes ſerr̄ mis a mon Actiō d Det.

Et nota, que ſi le Seignior ſoit ſeiſie de Service & Rent avantdits, & ils ſoyent aderere, & il diſtrain, & le Tenant reſcue le Diſtreſs, il poit aver Aſſiſe, ou Brief de Reſcous ; mes il eſt pluis neceſſarie pur luy d' aver Aſſiſe, que Brief de Reſcous : pur tant que per Aſſiſe il recocovera ſon Rent & ſes Dammages ; mes per ceſt Brief de Reſcous il ne recovera mes Dammages, & le choſe diſtraine ſerra repriſe.

Si le Seigniour ne ſoit my ſeiſie del Rent & Service, & ils ſont aderere, & il diſtrein pur eux, & le Tenant reprent le Diſtreſſe ; il ne poit my aver Aſſiſe, mes Brief de Reſcous, & ne covient my al Sr̄ de mr̄e ſon droit.

Si le Seignior ne poit my rrover Diſtreſſe per deux ans, il avera vers le Tenant Brief de *Ceſſavit per biennium*, ut patet per le Statute de *Weſtm.* 2. *cap.* 21.

Et ſi le Tenant devie en le mean temps,& ſon Iſſue enter, le Sr̄ avera vers le Iſſue Br̄e de Entry ſur *Ceſſavit* ; ou ſi le Tenant alien, le Sr̄ avera

the Rent charge ; then the Rent ſhall be apportioned according to the value of the Land, as it is ſaid of Rent-ſervice ; becauſe the Son comes to that not by his own Act, but by diſcent.

Alſo if I make a Leaſe for term of years, reſerving to me a certain Rent, that is called a Rent Service, for which it is at my Liberty to diſtrain, or to have an Action of Debt : But if the Leaſe be determined, and the Rent behind. I cannot diſtrain, but ſhall be put to my Action of Debt.

And note well, that if the Lord be ſeiſed of the Service and Rent aforeſaid, and they be behind, and he diſtrain, and the Tenant reſcues the Diſtreſs, he may have Aſſiſe, or a Writ of Reſcous ; but it is not more neceſſary for him to have Aſſiſe, then a Writ of Reſcous ; for that by Aſſiſe he ſhall recover his Rent and his Dammages ; but by a Writ of Reſcous he ſhall recover only Dammages, and the thing diſtrained ſhall be repriſed.

If the Lord be not ſeiſed of the Rent and Service, and they be behind, and he diſtrain for them, and the Tenant take again the Diſtreſs ; he ſhall not have Aſſiſe, but a Writ of Reſcous, and the Lord ſhall not need to ſhew his right.

If the Lord cannot find a Diſtreſs in two years, he ſhall have againſt the Tenant a Writ of Ceſſavit per biennium, as it appears by the Statute of Weſtm. 2. cap. 21.

And if the Tenant die in the mean time, and his Iſſue enter, the Lord ſhall have againſt the Iſſue a Writ of Entry upon Ceſſavit ; or if the Tenant alien, the

the Lord shall have against the Alienee the foresaid Writ. But if the Lord have Issue, and die, and the Tenant be in Arrearages of the said Rent and Service in the time of the Father, and not in the time of the Issue; he may not distrain for the Arrearages in the time of his Father, and he shall have no other Recovery against the Tenant or any other, because such Advantage is given by the Law to the Tenant. And note, that Fealty of common right belongs to Rent service, but not to Rent charge nor Rent seck.

If a Man distrain for Rent charge, and the Distress be rescued from him, and he was never seised before, he hath no recovery but by Writ of Rescous; for the Distress first taken gives not Seisin to him, unless he had the Rent before: for if he were seised of the Rent before, and after the Rent be behind, and he distrain, and Rescous be made, he shall have Assise, or a Writ of Rescous.

In every Assise of Rent charge, and annual Rent, or a Writ of Annuity, it behoves him that brings the Writ to shew an Especialty, or else he shall not maintain the Assise. But in an Assise of Mordancestor or Formedon in the discender or other Writs (in which Title is given or comprised) brought of Rent charge or annual Rent, the Especialty need not be shewn.

And note well, that if a man grant a Rent charge to another, and the Grantee release to the Grantor parcel of the Rent, yet all that Rent is not extinct.

If rent charge be granted to two jointly, and the one release, yet the other shall have the

vers le Alienee le avantdit Brief. Mes si le Sñr ad Issue & devie, & le Tenant soit en arrearages del dit Rent & Services en le temps le Pere, & nemy en le temps del Issue; il ne poit my distrein pur arrearages en temps son Pere, & navera ascun auter Recoverie vers le Tenant ou ascun auter, pur ceo que tiel advantage est done per le Ley al Tenant. Et nota q̄ fealty appent de common droit a Rent service, mes nemy a Rent charge ne Rent seck.

Si home distrein pur Rent charge, & le Distresse soit rescue de luy, & il ne suit my seisie adevant, il ne ad my Recoverie forsq; p Bre d Rescous; car le Distresse primerm̄t fait ne don a luy Seisin, forsque sil nad le Rent adevant: car si il suit seisie del Rent adevant, & puis le Rent soit aderere, & il distrein, & Rescous soit fait, il avera Assise, ou Brief de Rescous.

En chescun Assise de Rent charge, & annual Rent, ou en un Brief de Annuity, covient a celuy que port le Brief de monstre avant un Especialty, ou autrem̄t il ne maintainera le Assise. Mes en Assise de Mortdācester ou Formedon ē le discender, & auters Briefs (en les queux Title est don ou cōprise) port de Rent charge ou de annual Rent, nest besoigne de monstre Especialty.

Et nota bien, que si home grant Rent charge a un auter, & le Grātee relessa al Grantor parcel de le Rent, uncore tout le Rent nest extinct.

Si Rent charge soit grant a deux joyntment, & le un relessa, uncore le auter avera le

moietie

moietie del Rent. Et ſi l'un ꝑchace le moietie de le Teſ dont le Rent eſt iſſuant, lauter avera le moietie del Rent de ſon compaignion. Et ſi le Diſſeiſor charge la Terre a un Eſtranger, & le Diſſeiſee port le Aſſiſe & recover; le charge eſt defeate. Mes ſi celuy que ad droit charge la Terre, & un Eſtranger faine un faux Action envers luy que nad droit, & recover per Default; le charge demurra.

En caſe Partition ſoit pent' deux Parceners, & pluis Terre ſoite allotte a lun que a lauter, & el que ad pluis del Terre charge ſa Terre al auter, & el happe le Rent; el maintainera Aſſiſe ſans Eſpecialty.

Et eſt un Rent ſeck, lou hõe tient de moy per Homage, Fealty, & auter Services, rendant a moy un certain Rent per an, q' jeo grant a un auter, reſervant a moy les auters Services.

Si Rent ſeck ſoit grant a un home & ſes Heirs, & le Rent ſoit arere, & le Grantor devie; le Heire ne purra my diſtrainer, ne recovera les arrearages de temps ſon Pere, ſicome eſt avantdit de Rent ſervice.

Et in m̃ le manner eſt de Rent charge ou annual Rent. Mes ẽ touts ces Rents le Heire poit aver ꝑ arrearages en ſon temps demeſne tiel advantage come avoit ſon Pere en ſa vie. Vide *Stat.* 32 *H.* 8. *cap.* 37.

Et nota bien, que en Rent ſeck ſi home ne ſoit ſeiſie del Rent, & il ſoit aderere, il eſt ſans recovery, pur c' que il ſuit ſon folly demeſne al primer, quant le Rent fuit grant

half of the Rent. And if the one purchaſe the half of the Land whereout the Rent is going, the other ſhall have the half of the Rent of his Companion. And if the Diſſeiſor charge the Land to a Stranger, and the Diſſeiſee bring an Aſſiſe and recover; the Charge is defeated. But if he that hath right charges the Land, and a Stranger feign a falſe Action againſt him who hath no right, and recovers by Default, the Charge abides.

In caſe Partition be between two Parceners, and more Land be allotted to one than to the other, and ſhe that hath moſt of the Land charges her Land to the other, and ſhe happeth the Rent; ſhe ſhall maintain Aſſiſe without Eſpecialty.

And it is a Rent ſeck, where a Man holds of me by Homage, Fealty, and other Services, yielding to me a certain yearly Rent, which I grant to another, reſerving to me the other Services.

If Rentſeck be granted to a Man and to his Heirs, and the Rent be behind, and the Grantor die, the Heir may not diſtrain, nor ſhall recover the Arrearages of the time of his Father, as it is ſaid before of Rent Services.

And in the ſame manner it is of Rent charge, or annual Rent. But in all theſe Rents the Heir may have for the Arrearages in his own time ſuch Advantages as his Father had in his Life. See the Statute 32 H. 8. cap. 37.

And note well, that in Rentſeck, if a Man be not ſeiſed of the Rent, and it be behind, he is without recovery, for that it was his own Folly at the beginning, when the Rent was grant-

granted him or reserved, that he took not Seisin of it, as a Penny or two Pence.

A Man may not have a Cessavit per Biennium, or any other Writ of Entry sur Cessavit, for any Rent seck behind by two years, but only for Rent Service, as it appears in the Stat. West. 2. cap. 21.

It behoves him that sues for Rent seck to shew a Deed to the Tenant, else the Tenant shall not be charged with the Rent, except where the Rent seck was Rent Service before; as in this case: Lord, Mesne, and Tenant, and every of them holds of other by Homage and Fealty, and the Tenant of the Mesne by 10 s. rent; the Lord paramount purchases the Lands or Tenements of the Tenant, all the Seigniory of the Mesne, but the rent is extinct: And for this cause this rent is become Rent seck, and the rent Service changed, for he may not distrain for this rent; and in this case he that demands the rent shall never be charged to shew a Deed.

Also in a Writ of Mordantcestor, Ayle or Besayle of rent seck, it needs not to shew a Specialty, for that these Writs of possession comprehend a Title within themselves, that is to say, that the Ancestor was seised of the same rent, and continued his possession, in respect of which Seisin the Law supposes that it is also averrable by the Countrey.

Yet learn, for some suppose a necessity to shew forth a Deed, because rent seck is a thing against common right, as well as rent charge.

a luy ou reserve, q; il ne prist my Seisin del Rent, sicome un denier ou deux.

Hom̃ ne poit aver̃ *Cessavit per biennium*, ou un auter Bre d'entry *sur Cessavit*, p̃ aſcun Rent seck aderere per deux ans, mes il p̃roit tant solement p̃ Rent service, ut patet in le Srat. *Westm.* 2. *cap.* 21.

Il covient p̃ luy que sue p̃ Rent seck monstr̃ Fait al Tenant, autrm̃t le Tenant ne serra my charge del Rent, forsque lou le Rent seck fuit Rent service adevant; come en ceſt case: Sr̃, Mesne, & Tenant, & chesc' de eux tient de auter per Homage & Fealtie, & le Tenant de Mesne per 10 s. de Rent; le Seignior paramount p̃chase les Terres ou Tenements d̃ Tenant, tout le Seigniorie del Mesne, forspriſe le Rent ē extinct: & pur ceſt cause ceſt Rent eſt devenus Rent seck, & le Rent service change, car il ne poit distraine pur ceſt Rent; & en ceſt case celuy q̃ demãda le Rent ne serra jammes charge de monstre Fait.

Auxy en Brief de *Mordancestor*, *Ayle*, ou *Besayle*, de Rent seck, il ne besoigne de monstre Especialtie, pur ceo que ceux Briefs de Possession comprehendont ou Title deins eux mesmes, cestaſcavoire, que le Ancestor fuit seisie de mesme le Rent, & continua son possession; per cause de quel Seisin le Ley suppose q̃ eſt auxy averrable per le Pays.

Tamē quære, car aſcuns supposant un fine force a mõstr̃ avãt Fait, p̃ ceo q; Rent seck eſt un chose ēcount' cõmon droit, auxy bien come Rent charge.

But

Mes en Assise de *Novel disseisin*, & en Brief de *Entrie sur disseisin* port de Rent seck, il covient de fine force mẽ avant Fait; p̃ eeo q; Rent seck est un chose encounter cõmon droit sinon en le case suisdit, ou il fuit Rent service adevãt, & p le act del Ley est devenus Rent seck.

Et Assise de *Novel disseisin* & Brief de *Entrie sur disseisin* ne conteigne deins eux nul Title, mes suppos̃ant un Disseisin dẽe fait en le Plaintiff; & p entendment del Ley le Disseisin ne done nul cause de Averment encounter common droit, mes de fine force il monstre avant Especialty

But in Assise of Novel disseisin, and in a Writ of Entry sur disseisin brought of Rent seck, it is needful to shew forth a Deed; for that Rent seck is a thing against common right, except in the case aforesaid, where it was Rent service before, and by the Act of Law it is become Rent seck.

And Assise of Novel disseisin and a Writ of Entry sur disseisin contain within them no Title, but suppose a Disseisin to be done to the Plaintiff; and by the Intendment of the Law the Disseisin gives no cause of Averment against common Right, but there is a necessity to shew forth a Deed.

Repleader.

R*Epleader* est, ou le Pleas de Plaintiff, ou Defendant, ou ambideux sont male, ou un impertinent Issue joyne, donque le Court annul touts ceux pleas queux sont male, & agard quod partes replacitent. *Co. Ent.* 152. 221, 224.

Repleader.

REpleader is, where the Pleas of the Plaintiff or Defendant, or both are ill, or an impertinent Issue joyned, then the Court makes void all the Pleas which are ill, and awards the Parties to replead. Coke Entr. 152. and 221, 224.

Replevin.

R*Eplevin* est un Brief que gist quant un home est distreine pur Rent ou auter chose, donques il avera cest Brief al Viscount, pur deliver a luy le Distresse, & trovera Surety de pursuer son Action; & si il ne pursua, ou si soit trove & judged encounter luy, donques cestuy que prist le Distresse re-avera Distresse, que est appel' Retourne des Avers; & il avera en tiel case Brief appel *Returno habendo.*

Mes si le Defendant avow pur Rent il poit aver judgement pur le value des

Replevin.

REplevin is a Writ that lies where a Man is distrained for Rent or other thing, then he shall have this Writ to the Sheriff, to deliver to him the Distress, and shall find Surety to pursue his Action; and if he pursue it not, or if it be found or judged against him, then he that took the Distress shall have again the Distress, which is called the Return of the Beasts; and he shall have in such case a Writ called Returno habendo.

But if the Defendant avow for Rent, he may have Judgment for the value of

the

the Cattel by the Statute of 17 Car. 2. cap. 7.

If it be in any Franchiſe or Bailiwick, that party ſhall have a Replevin of the Sheriff directed to the Bailiff of the ſame Franchiſe, to deliver them again, and he ſhall find Surety to purſue his Action at the next County. And this Replevin may be removed out of the County unto the Common place by Writ of Recordare.

See more of Replevin in the Title Diſtreſs.

Alſo ſee Mich. 2 E. 3. pl. 31. & 7 E. 3. 27. pl. 13. the word Plevin, where Lands were taken out of the King's hands, and are afterwards delibered or replebied out of the King's hands. For which ſee Stat. 9. E. 3. cap. 2.

The Writ of Homine replegiando lies where a man is in Priſon, and not by ſpecial commandment of the King, nor of his Juſtices, nor for the death of a man, nor for the King's Forreſt, nor for ſuch cauſe which is not repleviſable; then he ſhall have this Writ directed to the Sheriff, that he cauſe him to be replebied. This Writ is a Juſticies, and not returnable. And if the Sheriff do it not, then there ſhall go forth another Writ, Sicut alias; and afterward another Writ, Sicut pluries, vel cauſam nobis ſignifices, which ſhall be returnable. And if the Sheriff yet make no Replevin, then there ſhall iſſue an Attachment directed to the Coroners to attach the Sheriff and to bring him before the Juſtices at a certain day; and farther, that they make execution of the firſt Writ.

Replication.

REplication is, when the Defendant in any Action makes an Anſwer, and the Plaintiff

avers per le Statute 17 *Car.* 2 *cap.* 7.

Si ſoit en aſcun Franchiſe ou Bailiwicke, le party avera un Replevin del Viſcount directe al Bailiff de m̃ le Franchiſe, pur eux redeliver, & il trovera Surety de purſuer ſon Action de prochein County. Et ceſt Replevin poit eſtre remove hors del County en le Common banke p̃ Brief de *Recordare.*

Vide plus de *Replevin* devant Title *Diſtreſe.*

Auxi vide *Mic.* 2 *E.* 3. *pl.* 31. & 7 *E.* 3. 27. *pl.* 13. un pa ol Plevin. ou terr' fuit priſt en la main le Roy, Et puis ſont deliver ou Replevy hors des mains le Roy, per que veies *Stat.* 9 *E.* 3. *cap.* 2.

Brief de *Homine replegiando* giſt lou un home eſt en Priſon, & nemy per eſpecial commandement le Roy, ne de ſes Juſtices, ne p̃ le mort de home, ne pur le Forreſt le Roy, ne pur tiel cauſe que neſt repleviſable; donques il avera ceſt Brief direct̃ al Vicount, que il luy faire eſtre replevy. Et ceſt Brief eſt un *Juſticies*, & nient retournable. Et ſi Vicount ne ceo face, donques iſſera auter Brief, *Sicut alias*; & apres auter Brief, *Sicut pluries, vel cauſam nobis ſignifices*, que ſerra retornable. Et ſi le Viſcount uncore ne face Replevin; donques iſſera un Attachment directed al Coroners dattacher le Vicount, & de luy ameſner devant les Juſtices a un certain jour, & ouſter ceo que ils facent execution del priſm Brief.

Replication.

REplication eſt, quant le Defend en aſcun Action fait Reſpons, & le Plaintiff

tiff replie a ceo, ceo eſt appel le *Replication* del Plaintiff.

tiff replies to that; that is called the Replication of the Plaintiff.

Repriſes.

REpriſes ſont Deductions, Payments & Duries que va annuelm̃t & ſont pay hors de un Mannour; come Rent charge, Rent ſeck, Penſions, Corrodies, Annuities, Fees de Seneſchals ou Baylifes, & tiels ſemblables.

Repriſes.

REpriſes are Deductions, Payments and Duties that go yearly and are paid out of a Mannor; as Rent charge, Rent ſeck, Penſions, Corrodies, Annuities, Fees of Stewards or Bailiffs, and ſuch like.

Reprieve.

REeprieve venuſt del *Francois Repris, Reſumptus*; iſſint q; repriver eſt ꝑperment d̃ reſumer un Priſoner del Execution & proceeding del Ley pur ceo temps.

Reprieve.

REprieve comes from the French Repris, that is, taken back; ſo that to repriebe is properly to take back or ſuſpend Priſoner from the Execution and proceedings of the Law for that time.

Requeſts.

REqueſts eſt un Court teigne en le Palace del Roy, devant le Maſter de Requeſts ꝑ Petition, & ſemble eſtre un Court d'Equity.

Requeſts.

REqueſts is a Court held in the King's Palace before the Maſter of the Requeſts by Petition, and it ſeems is a Court of Equity.

Rere County.

RErè County (*Retrocomitatus*) eſt un pol uſe en les Star. *Weſtm.* 2. *c.* 39. & 2 *E.* 3. *c.* 5. & ſemble ꝑ ceux Star. deſtre aſc' publique lieu que l' Viſcount appoint ꝑ le receit des deniers le Roy apres le fine de ſon County Court.

Rere County.

RErè County is a word uſed in the Statutes of Weſtm. 2. cap. 39 and 2 E. 3. c. 5. and ſeems by thoſe Statutes to be ſome publick place which the Sheriff appointed for the receiving of the King's Money after his County Court was done.

Reſceit.

REſceit eſt, quant aſcun Action eſt port vers Tenant pur terme de vie ou de ans, & ceſtuy en le Reverſion vient eins, & pria deſtre *receive* ꝑ defend le Terre, & ꝑ pleader oveſque le Demandant: Auxy quant il vient, il covient que il ſoit touts foits priſt a pleader ove le Demandant. En meſme le manner

Reſceit.

REſceit is, when any Action is brought againſt the Tenant for term of life or years and he in the Reverſion comes in, and prays to be received to defend the Land, and plead with the Demandant: And when he comes, it behoves the he be always ready to plead with the Demandant. In the ſame manner a Wife ſhall

receive

received for the default of her Husband in an Action brought against them both. And Tenant for years shall be received to defend his Right, where in an Action brought against the Tenant of the Freehold, he pleads faintly.

un Feme serra *receive* pur default sa Baron en Action port vers ambideux. Et Tenant pur ans serra *receive* a defend' son droit, lou, en un Action port vers Tenant del Frank-tenement, il plede faintment.

Rescous.

REscous is a Writ that lies when any Man takes a Distress, and another takes it again from him, and will not suffer him to carry the Distress away; this is a Rescous, upon which he may have this Writ, and shall recover damages.

Also if one distrain Beasts for damage Feasant in his Ground, and drives them in the High way to Impound them, and in going they enter into the House of the owner, and he withholds them there, and will not suffer the other to impound them; that withholding is a Rescous.

Also if a Sheriff takes my Debtor by any Execution, or by mesne Process, and J. S. rescue him out of the Custody of the Sheriff, I may have an Action of Rescous against J. S for this wrong, and recover Damages and Debt.

Rescous.

REscous est un Brief q; gist quant ascun home prent Distress, & un auter repris de luy, & ne voile suffer luy amesner l' Distress; ceo est un *Rescous*, sur quel il poit aver cest Brief, & recovera damm-ges.

Auxy si un distrein Beasts pur dammage feasant en sa Terre, & les enchasea per le hault chimin pur eux enparker, & en alant ils entront en le meason de celuy a que ils sont, & il eux detient la, & ne voile suffer le auter de eux enparker; ceo detainer est *Rescous*.

Auxi si le Viscount prist mon dettor per Execution ou mesne Proces,& *J. S.* rescue luy hors del Custody del Viscount, Jeo avera accon de Rescous versus *J. S.* pur cest tort & recovera Damages & Debt.

Reservation.

REservation is taken divers ways, and hath divers natures. As sometimes by way of exception to keep that which a man had before in him: As if a Lease be made for years of Ground, reserving the great Trees growing upon the same, now the Lessee may not meddle with them, nor with any thing that comes of them, so long as it abides in or upon the Trees, as Mast of Oak, Chesnut, Apples, or such like: but if

Reservation.

REservation est prise divers voyes, & ad divers natures. Cõe ascun foits p voy de exception, d reserve ceo q; un home ad devant en luy: Come si un Lease soit fait pur ans de Terre, *reservant* les grand Arbors cressant sur ceo, ore le Lessee ne poit meddle ovesque eux, ne ovesque ascun chose que vient d eux, cy longe come il demurt ẽ ou sur les Arbors, come Mast d Oake, Chesnut, Pomes, ou ti-

els ſemblables : mes ſils chient del Arbors al terre donques ils ſont en droit l' Leſſees, car le Terre eſt leſſe a luy, & tout ſur c' nient reſerve, *&c.*

Aſcun foits un *Reſervation* obtaine & port hors un auter choſe q; ne fuit devant : Cõe ſi un home leſſa ſes Terres *reſervant* annualmt pur c' xx. li. &c. Et divers auters tielx Reſervations y ſont.

Et nota, que en ancient temps lour *Reſervations* fueront cybien en Victuals, ſoit ceo Carne, Piſhe, Blees, Pane, Boyer, ou auterment, come ẽ Money, tanq; al darreine, & ſpecialment en le temps del Roy *Henry* le 1. per agreement le Reſervation de Victuals fuit change en priſt Money, come il ad tanque cy continue.

Reſidence.

REſidence venuſt del *Latine Reſidere*, & eſt tout un ove *Reſiance*, ſi non que ceſt parol *Reſidence* eſt plus toſt appropriate al Continuance dun Parſon ou Vicar ſur ſon Eſgliſe ou Benefice; & iſſint eſt uſe en le Stat. de 28 *H.* 8. *cap.* 13.

Reſignation.

REſignation eſt, lou un Incumbent de un Eſgliſe reſigne ou relinquiſh ceo al Ordinarie, que luy ait admit a ceo, ou a ſes Succeſſors ; que differ del *Surrender*, quant p cel il a que le Reſignation eſt fait nad aſcun Intereſt en le choſe iſſint reſigne, mes ceſtuy a que ſurrender eſt fait avoit per ceo le choſe meſme.

Reſpondeat Superior.

REſpondeat Superior eſt lou les Viſcounts ſont removeable

they fall from the Trees to the ground, then they are by right the Leſſees ; for the Ground is let to him, and all thereupon not reſerved, &c.

Sometimes a Reſervation doth produce and bring forth another thing which was not before : As if a man Leaſe his Lands, reſerving yearly for the ſame xx li. &c. And divers other ſuch Reſervations there be.

And note, That in ancient time their Reſervations were as well in Victuals, whether Fleſh, Fiſh, Corn, Bread, Drink, or what elſe, as in Money, until at laſt, and that chiefly in the Reign of King Henry 1. by agreement the Reſervation of Victuals was changed into ready Money, as it hath hitherto continued.

Reſidence.

REſidence comes from the Latine Reſidere, and is all one with Reſiance, but that this word Reſidence is often appropriated to the Continuance of a Parſon or Vicar upon his Church or Benefice ; and ſo it is uſed in the Statute of 28 H. 8. cap. 13.

Reſignation.

REſignation is, where an Incumbent of a Church reſigns or leaves it to the Ordinary who did admit him to it, or to his Succeſſors ; which differs from Surrender, ſince by that he to whom the Reſignation is made hath no intereſt in the thing ſo reſigned, but he to whom the Surrender is made hath by that the thing in it ſelf.

Reſpondeat Superior.

REſpondeat Superior [illegible] where the Sheriffs are removeable

removeable for insufficiency (as in London) Respondeat Superior, i. e. the Mayor and Commonalty: So for the insufficiency of the Bailiff of a Liberty, respondeat dominus Libertatis.

Restitution.

REstitution is, when a Judgment is reversed by Error, then a Writ of Restitution shall issue, to restore to the Defendant in the Action what he hath lost. And there is a Writ of restitution of stolen Goods, upon conviction of the Thief which is made at the Sessions or Assises, on the Statute of 21 H. 8. 11. Noy red. 128.

Resummons.

REsummons is a second Summons of a man to answer an Action, where the first Summons is defeated by the Demise of the King, or such other cause. And of this see Coke, lib. 7. fol. 29. b.

Also if a Terr-tenant returned upon Scire facias, or Defendant in another Action plead non-age, and the Plea stays until, &c. When he comes of full age, the Plaintiff, upon a suggestion, may have a Scire facias or resummons: and so when a Plea is staid by pleading Protection, Excommunication, or such other disability.

Resumption.

REsumption is a word used in the Statute of 31 H. 6. c. 7. and is there taken for the Taking again into the King's hands such Lands or Tenements as upon false suggestion or other error he had made Liberty of to an Heir, or granted by Patent to any man.

pur insufficiency (come en *Londres*) Respondeat Superior, *i. e.* le Mayor & Comonalty: Issint pur le insufficiency del Bailiff de un Liberty, respondeat dominus Libertatis.

Restitution.

REestitution est quant un Judgment est reserve per Error donque Brief de Restitution issera p̄ le Defendant en l' Action a restorer a luy tout ceo q̄ il ad pdus. Est auxi un Brief de Restitution de Biens emblees sur Conviction d'un larc̄, quel est fait al Session ou Assizes. Sur Stat. 21 *H.* 8. 11. *Noy rep.* 128.

Resummons.

REsummons est un Second Summons d'un home p̄ responder al un Action, lou le primer Summons est defeat p̄ le Demise le Roy, ou tiel semblable cause. Et de ceo veies *Coke, lib.* 7. *f.* 29. *b.*

Auxi si Terr-tenant retorne sur *Scire facias*, ou auter Action plead non-age, & le parol demurr tanque, *&c.* Quant il veign de plein age, le Plaintif, sur suggestion poit aver *Scire facias* ou resum: Et issint ou plea est stay per pleder de Protection, Excomengement, ou auter tiel disability.

Resumption.

REsumption est un parol use en le Stat. de 31 *H.* 6. *c.* 7. & est la prise p̄ le *Rependre* en les maines le Roy de tiels Terres ou Tenements come sur faux suggestion ou auter error le Roy usoit deliver al un Heire, ou grant per Patent al ascun home

Retraxit.

Retraxit eſt le Preterperfect tenſe de *Retraho*, pur evulſer arere ; & eſt, quant le Plantif ou ptie Demandant veient ẽ ꝓper ꝑſon ẽ le Court lou ſon Suit eſt, & dit q; il ne voit *Ulterius proſequi in placito illo, &c.* ceo ſerra un Barre al Action a touts jours. Veies *Co Lit.* 139. *a.*

Return.

Return avoit deux ſignifications. Le un eſt le return pour Briefs del Viſcounts ou Bailiffs. Le auter eſt en Replevin, quant Avers ſont diſtrein, & il juſtifie ſon act, eſteant legal, les avers ſerront return a luy. *Bro. Tit. Return* 218.

Reve, ou *Reeve.*

Reeve eſt un Officer pluis conous en ancient tẽps q̃ a ceſt jour : car chaſc' Mannor ad donques un *Reeve*, & uncore en divers Copihold Mannors (ou le veiels cuſtom p̃vaile) le noſme & office neſt en tout oblie. Et eſt en effect ceo q̃ a ore chaſc' Bailiff d'un Mañor practiſe, nient obſtant le noſme de Bailiff ne fuit donq̃s ẽ ure enter nous, eſteant puis port eins p̃ les *Normans*. Mes le noſme de *Reeve*, ancientment appel *Greeve*, (quel particle (*Ge*) en continuance del temps fuit ouſterment omiſe & perde) vient del *Saxon* parol *Gereſa*, que ſignifie un Ruler : Et iſſint verament ſon Rule & Auctoritie fuit large deins le compaſs del Mañor ſon Seignior, & enter ſes homes & Tenants, cybien en choſes de Governm̃t en peace & guerre, cõ en le skilful uſe & trade de Husbandry. Car ſicome il collect ſes Rents del Sñr, pay Repriſes ou Duties iſſuant hors del Mannor, appoint les

Retraxit.

Retraxit is the Preterperfect tenſe of Retraho, to pull back; and is, when the party Plaintiff or Demandant comes in proper perſon into the Court where his Plea is, and ſaith he will not proceed any farther in the ſame, &c. this will be a Bar to the Action for ever. See Co. Lit. 139. a.

Return.

Return hath two Significations. The one is the return of Writs by Sheriffs and Bailiffs : The other is in Replevin when Beaſts are diſtrained, and he juſtifies his act being lawful, the Cattel ſhall be returned to him, Bro. tit. Return 218.

Reve, *or* Reeve.

Reeve is an Officer more known in ancient time than at this day : for almoſt every Mannor had then a Reeve, and yet ſtill in many Copyhold-Mannors (where the old cuſtom prevails) the name and office is not altogether forgotten. And it is in effect that which now every Bayliff of a Mannor practiſes, although the name of Bayliff was not then in uſe amongſt us, being ſince brought in by the Normans. But the name of Reeve, antiently called Greeve, (which Particle (Ge) in continuance of time was altogether left out and loſt) came from the Saxon word Gereſa, which ſignifies a Ruler : And ſo indeed his Rule and Authority was large within the compaſs of his Lord's Mannor, and among his Men and Tenants as well in matter of Government in Peace and War, as in the skilful uſe and trade of Husbandry. For as he did gather his Lords Rents, pay Repriſes or Duties iſſuing out of the Manor, ſet the Ser-

vants

hants to work, fell and cut down Trees to repair the Buildings and Inclosures, with divers such like, for his Lords commodity; so also he had Authority to govern and keep the Tenants in peace, and, if need required, to lead them forth to war.

Reversion.

REversion of a Land is a certain Estate remaining in the Lessor or Donor, after the particular Estate and Possession conveyed to another by Lease or Life or years, or Gift in tail.

And it is called a Reversion in respect of the possession separated from it: so that he that hath the one, hath not the other at the same time; for in one body at the same time there cannot be said a Reversion, because by the uniting the one of them is drowned in the other.

And so the Reversion of Land is the Land it self when it falls.

Ribaud.

RIbaud seem to be sturdy Vagabonds. Rot. Par. 50 E. 3. 61.

Right, & Right of Entrie.

RIght, and Right of Entry. See in Droit.

Riot.

RIot is, when three (at the least) or more do some unlawful act; as to beat a Man, enter upon the possession of another, or such like.

Robbery.

RObbery is, when a Man takes any thing from the person of another Feloniously; although the thing so taken be to the value but of a penny, yet it is Felony, for which the Offender shall suffer death.

Servants de worker, succide & decoupe Arbres p̄ repairer les Edifices & Enclosures, oves̄q; divers tiels semblables, p̄ le commodite del Seign̄r; issint auxy il ad auctoritie de governer & gard les Tenants en paix, & sil besoigne, d conducter eux en guerre.

Revorsion.

REversion de Terre est un certaine Estate remainant en le Lessor ou Donor, apres le particular Estate & Possession convey al un auter per Lease p̄ vie ou ans, ou Done en taile.

Et est appel un *Reversion* en respect de le possession separate de ceo: issint que il q; ad l' un nad l' auter a mesme le temps; car en un corps simul la ne poit estre dit un Reversion, pur ceo que per l' uniting l' un est merge en l' auter.

Et issint le *Reversion* del Terre est le Tr̄e mes̄m quant il eschuest.

Ribaud.

RIbaud semble d' estre *sturdy Vagabonds*, *Rot. Parl.* 50 E. 3 61.

Right, & Right de Entrie.

RIght, & Right de Entry. Veies en *Droit.*

Riot.

RIot est, lou trois, (al meins) ou plures font asc' illoyal act, come de bater un hōe, enter sur le possession d' auter, vel hujusmodi.

Robbery.

RObberie est, quant un home prent asc' chose del p̄son d'un auter feloniousm̄t; coment q̄ la chose prise soit al value forq; d'un denier, uncore il est Felonie p̄ quel l' Offendor suffera mort.

Rood de Terre.

Rood de Terre eſt un certain quantitie d' Terre conteiñ le quatre part d' un Acre. *Anno* 5. *Eliz. c.* 5.

Rout.

Rout eſt, quant people aſſemble eux m̃, & puis ꝓcedant, ou chivauchant, ou alant avant, ou movent ꝑ inſtigation d'un ou pluſors, que eſt Conductor d'eux. Ceſt appel un *Rout*, ꝓ c' q̃ ils movent & ꝓceed en routs & numbers.

Item ou plures aſſemble eux ſur lour quarrels & braules demeſne; come ſi les inhabitants d'un Ville voille aſſembler eux ꝓ disbruiſer Heys, Mures, Foſſes, Pales, ou tiels ſemblables, d'aver Common la, ou de bater un auter q; ad fait eux un common diſpleaſure, vel hujuſmodi; ceſt un *Rout*, & encounter le Ley, coment q̃ ils nont fait ou mis en execution lour male entent. Veies le Statute 1 *Mar. c.* 12.

Root of Land.

Root of Land is a certain quantity of Land containing the fourth part of an Acre, Anno 5 Eliz. c. 5.

Rout.

Rout is, when people aſſemble themſelves together, and after proceed, or ride, or go forth, or move by the inſtigation of one or more, who is their Leader. This is called a Rout, becauſe they move and proceed in routs and numbers.

Alſo where many aſſemble themſelves together upon their own quarrels and brawls; as if the Inhabitants of a Town will gather themſelves together to break Hedges, Walls, Ditches, Pales, or ſuch like, to have Common there, or to beat another that hath done them a common diſpleaſure, or ſuch like; that is a Rout, and againſt the Law, although they have not done or put in Execution their miſchievous intent. See the Stat. 1 Mar. c. 12.

S.

Sack, ou *Sake.*

Sake eſt Placitum & Emenda de Tranſgr hominum in Curia veſtra; quia *Sake Anglice* eſt *Encheſon Gallice*, & *ſake* eſt mis pur *ſick.*

Veies *Keloway Caſus incerti temporis, f.* 145. *a.* que le privelege appel *Sake* eſt, d'aver les Amerciaments de ſes Tenants en ſon Court demeſne.

Sacrilege.

Sacrilege eſt quant un emblee aſcun Veſſels, Ornaments ou biens de Saint Egliſe q̃ eſt Felony; 3 Cro. 153, 154.

S.

Sac, *or* Sake.

Sake is a Plea and Correction of Treſpaſs in your Court; becauſe Sake in Engliſh is Encheſon in French, and ſake is put for ſick.

See Keloway in his Caſe incerti temporis, f. 145. a. that the Privilege called Sake is, for a man to have the Amerciaments of his Tenants in his own Court.

Sacrilege.

Sacrilege is, when one ſteals any Veſſels, Ornaments, or Goods of Holy Church, which is Felony, 3 Cro. 153, 154.

Sa.

Salary.

SAlary is a Word often uſed in our Books, and it ſignifies a Recompence or Conſideration given a Man for his pains beſtowed upon another Man's buſineſs. And it is ſo called, as Pliny ſays in the 31 Book of his Nat. Hiſt. cap. 7. becauſe it is as neceſſary for a Man as Salt, and makes his Labor reliſh as Salt doth his Meat.

Sanctuary.

SAnctuary is a Privileged Place by the Prince for the Safeguard of mens Lives who are Offenders, being founded upon the Law of Mercy, and upon the great Reverence, Honor and Devotion which the Prince bears to the Place whereunto he grants ſuch a Privilege; which was heretofore ſo great, that the Princes have granted the ſame in caſes of Treaſon committed againſt themſelves, Murder, Rape, or other Crime whatſoever. Hereof ſee Stamf. Pl. of the Crown, l. 2 c. 38.

Satisfaction.

SAtisfaction is, when a Defendant hath paid a Debt or Damages recovered againſt him, it behoveth him to have ſatisfaction, to be entred upon the Record of the Judgment.

Sarpler.

SArpler is, a quantity of Wool, which in Scotland is called Serplath, and contains 80 Stone; and with us in England a Load of Wool contains (by the Opinion of ſome) fourſcore Tod, and every Tod two Stone, and every Stone fourteen Pounds; and that a Sack of Wool is in common Account equal with a

Salary.

S*Alarie* (*Salarium*) eſt un parol mult uſe en fire Livres, & ſignifie un Recompence ou Conſideration done al aſc' pur ſon labour imploie ſur les beſoign' d'un aut'. Et eſt iſſint appel, come *Plinie* dit en le 31. *Nat. Hiſt. c. 7. quia tam neceſſarium eſt quam Sal homini, & labores ſuos ſapit ut Sal cibos.*

Sanctuary.

S*anctuary* eſt un Lieu privilege p̄ le Soveraigne p̄ le garder des vies des homes queux ſont pechers, eſteant foundue ſur le Ley de Mercy, & ſur le grand reverence, honour & devotion q̄ le Soveraigne port al lieu a que il granta tiel Privilege: q̄ fuit ſi grand en temps paſſe, q̄ les Soveraignes ont grant meſm̄ en caſes de Treaſon ꝑpetres encounter eux meſmes, Murder, Rape, ou auter crime quecunque. De ceo veies *Stamf. Pl. del Cor. l. 2. c. 38.*

Satisfaction.

S*Atisfaction* eſt, quant un Defendant ad pay Debt ou Damages verſus luy recover, il covient a luy d'aver ſatisfaction d' eſtre enter ſur le record del Judgment.

Sarpler.

S*Arpler* eſt un quantitie de Lane, q; en *Eſcoſe* eſt appel *Serplath*, & containe 80 Stone; & ove nous en *Angleterre* un Corde de Lane conſiſta (per l' opinion d' aſcuns) de 80 Todde, & cheſc' Todde containa deux Stone, & cheſcun Stone 14 Livers; & q; un Sack d lane eſt en uſual eſtimation

egal

egal ove un Corde, & un *Sarpler* le moietie d'un Sack.

Saver default.

S*Aver default* eſt le meſme come de excuſer un default. Et ceo eſt proprement quant un hõe aiant fait default en Court vient apres & allege bon cauſe pur que il ceo fiſt, come impriſonment al meſme temps, ou ſemblable. Veies *Novel Livre de Entries Tit. Saver default.*

Scandalum magnatum.

S*Candalum magnatum* eſt un Male report invẽt ou diſperſe al prejudice ou ſlander d' aſcun grand perſonage ou Officer dl Realm. Le puniſhmẽt p̃ que eſt enact p̃ divers Statutes, *viz. Weſtm.* 1. *c.* 33. 2 *R.* 2. *c.* 5. *&* 12 *R.* 2. *c.* 11.

Scavage.

S*Cavage* ou *Shewage* eſt un Tolle exact p̃ les Mayors, Viſcounts & Bailiffs des Cities & Boroughs corporate, pur Wares ou Merchandiſes monſtres deſtre vendus deins lour ſcincts & juriſdiction : quel Exaction, eſteãt encont' le privilege des ſubjects le Roy, fuit inhibite per un Statute fait 19 *H.* 7. *c.* 8. Veies 21 *H.* 7. *f.* 14. *a.* & veies le Stat. de 22 *H.* 8. *c.* 8. in fine.

Major, &c. de London port dett p̃ cel duty, hiis verbis *Pro ſuperviſu apertionis H.* 88, 19 *C.* 2. *B. R. Roll.* 625.

Scire facias.

S*Cire facias* eſt un Brief judicial iſſuant hors de Record, & giſt lou un ad recover Dette ou Dammages co

Load, and a Sarpler the one half of a Sack.

Saver default.

SAver default is the ſame as to excuſe a Default. And this is properly when a Man having made Default in Court, comes afterwards, and alledges a good Cauſe why he did it, as Impriſonment at the ſame time, or the like. See New Book of Entries, Tit. Saver default.

Scandalum magnatum.

SCandalum magnatum is an evil Repoꝛt invented oꝛ diſperſed to the Pꝛejudice oꝛ Slander of any great Perſonage oꝛ Officer of the Realm. The Puniſhment of which is enacted by divers Statutes, viz. Weſtm. 1. c. 33. 2 R. 2. c. 5. & 12 R. 2. c. 11.

Scavage.

SCavage oꝛ Shewage is a Toll exacted by the Mayoꝛs, Sheriffs and Bayliffs of Cities and Towns Coꝛpoꝛate, foꝛ Wares oꝛ Merchandize ſhewed to be ſold within their Pꝛecincts oꝛ Juriſdiction : which Exaction being againſt the Pꝛivilege of the King's Subjects, was pꝛohibited by a Statute made in 19 H. 7. c. 8. See 21 H. 7. f. 14. a. and ſee the Statute of 22 H. 8. c. 8. in the end thereof.

The Mayoꝛ, &c. of London bꝛought Debt foꝛ this Duty, by theſe Woꝛds, Pro ſuperviſu apertionis H. 18, 19 C. 2. B. R. roll 625.

Scire facias.

SCire facias is a Writ judicial going out of the Recoꝛd, and lies where one hath recovered Debt oꝛ Dammages in the King's

King's Court, and ſues not to have Execution within the year and the day; then after the year and the day he ſhall have the ſaid Writ to warn the party: and if the party come not, or if he come and ſay nothing to diſcharge or ſay the Execution, then he ſhall have a Writ of Fieri facias directed to the Sheriff, commanding him to levy the Debt or Dammages of the Goods of him that hath loſt.

The Writ of Fieri facias lies within the year, without any Scire facias ſued.

Alſo if the Summ of the ſame Debt or Dammages may not be levied of the Goods of him that hath loſt them, he may have a Writ of Elegit, commanding the Sheriff to deliver him the one half of his Lands and Goods, except his Oxen and Implements of Plow.

When one hath recovered Debt or Dammages in an Action Perſonal, (where the Proces is a Capias) he may have another Writ of Execution, called a Capias ad ſatisfaciendum, to take the Body of him that is ſo condemned, which ſhall be committed to Priſon, there to abide without Bail or Mainprize, till he hath ſatisfied the Party.

And when one hath Judgment to recover any Lands or Tenements, he ſhall have a Writ called Habere facias ſeiſinam, directed to the Sheriff, commanding him to deliver to him Seiſin of the ſame Land ſo recovered. See more of that in the Titles Fieri facias and Execution.

The Writ aboveſaid is given by the Statute of Weſtm. 2. cap. 45. But there are alſo other manner of Scire facias; ſcil. upon Audita Querela, Writs of

en Court le Roy, & il ne ſue pas d' aver Execution deins l'an & le jour; donqs apres l' an & jour l' avera il dit Brief a garner le partie: & ſi le partie ne vient, ou ſil vient & ne ſcavoit riens dire encounter Execution, donques il avera un Brief de *Fieri facias* direct al Viſcount luy commandant que il levie le Dette ou les Dammages des Biens d celuy q̄ avoit perdue.

Le Bre de *Fieri facias* giſt deins l'an, ſans aſcun *Scire facias* ſuer.

Auxy ſi le ſume d meſme le Dette ou Dammages ne poit eſtre levie des Biens de celuy q̄ avoit pdue, donques il poit aver un Bre d' *Elegit*, direct al Viſcount, que il face luy deliver la moietie de ſa Terre & Biens, except ſes Boves & affries de ſa Carue.

Quant un ad recover Det ou Dammages en Action perſonal, (lou le Proces eſt un *Capias*) il poit aver un auter Bre d'Execution, appel *Capias ad ſatisfaciendum*, pur prender le Corps celuy q̄ eſt iſſint condempne, que ſerra commit al priſon, illonques a demurrer ſans Baile ou mainpriſe, tanq; il ad ſatisfie le partie.

Auxy quant un ad Judgm̄t de recover aſcun Terres ou Tenements, il avera un Bre appel *Habere facias ſeiſinam*, direct al Viſcount, luy commandant deliver a luy Seiſin de meſme le Terre iſſint recover. Veies pluis de ceo en les Titles *Fieri facias* & *Execution*.

Le Brief ſupra eſt done per Statute *Weſtm.* 2. *cap.* 45. Mes auxi ſont auters manners de *Scire facias*; ſcil. ſuper *Audita Querela* Brevia de Erroribus

bus corrigendis, tam ad audiendos errores, q̄ quare Executionē habere non debeat,& verſus terrtenant ſuper Judiciis & hujuſmodi.

Error as well to hear Errors as wherefore the Plaintiff ought to have Execution againſt Terr-tenants upon Judgments,and the like.

Scot.

SCot eſt, quietum eſſe de quadam conſuetudine, ſicut de communi Tallagio facto ad opus Vic' vel Balliv' ejus.

Scot.

SCot is, to be quit of a certain Cuſtom, as of common Tallage made to the uſe of the Sheriff or Bayliff.

Scotale.

S*Cotale* eſt un Extortion prohibit per le Charta del Forreſt, *cap.* 7. & eſt lou aſcun Officer del Forreſt tenuſt un Alehouſe, al intent que poit aver le cuſtome des Inhabitants deins le Forreſt, de vener & expender lour deniers ove luy, & pur ceo il conivet a lour offences commiſe deins le Forreſt.

Scotale.

SCotale is an Extortion prohibited by the Statute of Charta de Forreſta, cap. 7. and it is where any Officer of the Forreſt keeps an Ale-houſe, to the intent that he may have the Cuſtom of the Inhabitants within the Forreſt, to come and ſpend their money with him,and for that he ſhall wink at their Offences committed within the Forreſt.

Second deliverance.

S*Econd deliverance*, eſt un Brief fait p̄ le Filacer a deliver avers diſtreine puis q̄ le Plaintiff eſt Nonſuit en un Replevin. *Plo. Com.* 274. *Dyer* 41.

Second Deliverance.

SEcond Deliverance is a Writ made by the Filacer, to deliver Cattel diſtreined, after the Plaintiff is Non-ſuit in Replevin, Plow. Com. 274. Dyer 41.

Se defendendo.

S*E defendendo* eſt un Plee p̄ luy que eſt charge ove mort de un auter, diſant q; il fuit compelle a ceo q; il faiſoit, en ſon *defence meſme. Stamf. Pl. Cor. lib.* 1. *cap.* 7.

Se defendendo.

SE defendendo is a Plea for him that is charged with the death of another, ſaying, that he was driven unto that which he did, in his own Defence, Stamf. Pl. Cor. lib. 1. cap. 7.

Seigniorie en Groſſe.

S*Eigniorie en Groſſe.* Veies *Lord en Groſſe.*

Seigniory in Groſs.

SEigniory in Groſs. See Lord in Groſs.

Seiſin.

S*Eiſin, Seiſina, poſſeſſio* ; Et eſt duplex, Seiſin en Fait & Seiſin en Ley. Seiſin en Fait eſt quant un perſonal poſſeſſion eſt

Seiſin.

SEiſin, Seiſina, Poſſeſſio; and is two-fold ; Seiſin in Deed, and Seiſin in Law. Seiſin in Deed is, when a Corporal Poſ-

ſeſſion

ſeſſion is taken. **Seiſin in Law** is when ſomething is done which the Law accounteth a **Seiſin**, as Inrolment, &c.

priſe. Seiſin en Ley eſt quant aſcun choſe eſt fait que le Ley account un Seiſin, come Enrolment, *&c.*

Selion.

Selion comes of the French Sellon; that is, the Ground riſing between two Furrows, in Latine, Parca, a Ridge; and it is not of any certain quantity, but ſometimes more, and ſometimes leſs. And therefore Crompton in his Juriſdiction of Courts, fol. 221. ſaith, that a Selion cannot be demanded, becauſe it is uncertain.

Selion.

Selion (Selio) venuſt del *François Sellon*, id eſt, Terra elata inter duos ſulcos, en *Latine Parca*, & neſt daſcun certain quantitie, mes aſcun foits containe plus, & aſcun foits meins. Et p̄ c' *Crompton* en ſon *Juriſdiction des Courts, fol.* 221. dit q̄ un *Selion* ne poit eſtre demand, eo que eſt uncertain.

Seneſhal.

Seneſhal (Steward) is a French word borrowed of the Germans, and ſignifies one that hath the diſpenſing of Juſtice in ſome particular Caſes: as Stamf. Pl. of the Cor. fol. 152. B. the High Steward of England, or of the Affairs of a Family, as Crompton's Juriſdiction, fol. 102. Steward of the King's Houſhold, and 25 E. 3. Stat. 5. cap. 21. and others.

He is alſo a learned Man appointed by the Lord of a Manor to hold Courts Leet or Baron. Co. 1 Inſt. 58. 61.

Seneſhal.

Seneſhal (Seneſchallus) eſt un pol *Francois* emprant del *Germanois*, & ſignifie un q̄ avoit le diſpenſation del Juſtice ē aſc' pticular caſes; cōe *Stamf. Pl. Cor. fo.* 152 *B.* le grand Seneſchal del *Angleterre*, ou des affaires dun Familie cōe *Cromptons Juriſdiction, f.* 102. Seneſchal de Hoſtel le Roy, & le Stat. de 25 *E.* 3. *Stat.* 5. *c.* 21. & auters.

Eſt auxi home erudite appoint p̄ le Seignieur de un Manor a tener Courts Leet ou Baron, *Coke* 1. *Inſt. f.* 58, 61.

Sequeſtration.

Sequeſtration is the Setting aſide of a thing in Controverſie from the Poſſeſſion of both thoſe that contend for it. It is uſed alſo for the Act of an Ordinary, when no Man will meddle with the Goods and Chattels of one deceaſed, as 4 & 5 M. Dyer fol. 160. b. & 7 Eliz. Dyer 232. a. And ſo it is uſed alſo for the Gathering of Fruits and Profits of a Benefice void, for the Uſe of the next Incumbent, by the Statute of 28 H. 8. cap. 11.

Sequeſtration.

Sequeſtration eſt le Mitter apart dun choſe in controverſie del poſſeſſion d' ambideux q̄ contend pur ceo. Eſt uſe auxy p̄ le act dun Ordinary, q̄n nul voit intromitter oves biens & chat' dun que eſt mort, come en 4. *&* 5. *M. Dyer fol.* 106. *b. &* 7 *El. Dyer fo.* 232. *a.* Et iſſint eſt uſe auxy p̄ le Collect' des fruits & profits dun Benefice q̄ eſt void, al uſe del prochein Incumbent, per le Statute de 28 *H.* 8. *cap.* 11.

Service de Chivaler.

TEner per *Service de Chivaler* eſt a tener p Homage, Fealty, & Eſcuage; & treit a luy Gard, Marriage, & Reliefe.

Et nota, q̄ *Service de Chivaler* eſt Service d̄ Terres ou Tenements, pur armes porter en Guerre en defence del Royalm̄; & doit Garde & Marriage, p reaſon q̄ nul eſt able, ne de power, & ne poit aver conuſās de arm̄s porter, devant q̄ il ſoit del age de 21 ans. Et al fine que le Sn̄r ne perdera ceo que de droit il poit aver, & q̄ la power de la Royalme en rien ne ſoit enfeeble, la Ley voet, p cauſe de ſon tender age, q̄ le Sn̄r luy avera en la Gard tanque al pleine age de luy, ceſtaſcavoire, 21 ans.

Mes veies le Stat. 12 *Car.* 2. *cap.* 24. p quel tout Tenures ſont verle en free & common Soccage.

Seſſions.

SE*ſſions* eſt un Seiance des Juſtices en Court ſur lour Commiſſions: come les Seſſions de *Oyer & Terminer*, *Pl. Cor. fo.* 67. Quarter Seſſions, autermīt appel' General Seſſions, ou overt Seſſions, 5 *El. c.* 4. encounter q̄ux ſont Private ou eſpecial Seſſions, queux ſont procure p aſc' eſpecial occaſion, p le pluis ſubite feſāce de Juſtice, *Cromp. Juſt de P. fol.* 110. Queux choſes ſont enquirable en General Seſſions, veies *Cromp.* ut ſupra, & *fol* 109. Petit Seſſions, ou Statute Seſſions, ſont tenus per le hault Cōſtable de cheſc' Hundred, pur le placing de Servants. *An.* 5. *El. c.* 4. in fine.

Knights Service.

TO hold by Knights Service is, to hold by Homage, Fealty, and Eſcuage; and it draws to it Ward, Marriage and Relief.

And note, that Knights Service is Service of Lands or Tenements, to bear Arms in War in Defence of this Realm; and it owes Ward and Marriage, by reaſon that none is able, nor of Power, nor may have knowledge to bear Arms, before he be of the Age of xxi. years. And to the end that the Lord ſhall not loſe that which of right he ought to have, and that the power of the Realm be nothing weakned, the Law wills, becauſe of his tender Age, that the Lord have him and his Lands in his Ward till full age, that is to ſay, xxi. years.

But ſee the Stat. 12 Car. 2. cap. 24. n hereby all Tenures are are turned into free and common Soccage.

Seſſions.

SEſſions is a Sitting of Juſtices in Court upon their Commiſſions: as the Seſſions of Oyer and Terminer, Stamf. Pl. Cor. fol. 67. Quarter Seſſions, otherwiſe called General Seſſions, or open Seſſions, 5 El. c. 4. oppoſite whereunto are Priby or eſpecial Seſſions, which are procured upon ſome eſpecial occaſion, for the ſpeedy Expedition of Juſtice, Cromp. Juſtice of P. fol. 110. What things are enquirable in General Seſſions, ſee Cromp. as above. and fol. 109. Petit Seſſions, or Statute Seſſions, are held by the High Conſtables of every Hundred, for the placing of Servants. An. 5. El. cap. 4 in the end.

Se-

Severance.

Severance is the ſingling of two or more that are joined in a Writ: As if two are joined in a Writ De libertate probanda, and the one afterward is non-ſuited, in this caſe Severance is permitted, ſo that notwithſtanding the Nonſuit of the one, the other may alone proceed. F. N. B fol. 78. See of this Brook, tit. Severance & Summons, fol. 238. For it is harder to know in what caſes Severance is permitted, then what it is. There is alſo Severance in Aſſiſe, Old Book of Entries, fol. 81. col. 4. And Severance in Attaint, fol. 95. col. 2. And Severance in Debt, fol. 200. col. 1. And Severance in Quare Impedit, Coke, lib. 5. fol. 97.

Severance.

Severance eſt le Mitt' hors de un ou pluſors que ſont joyne en un Brief: Come ſi deux ſont joyñ en un Bꝛe *De libertate probanda*, & puis lun ſoit nonſuit, en ceſt caſe *Severance* eſt permit, iſſint q̄ nient obſtant le Nonſuit de lun autre poit ſeveralm̄t proceed, *F. N B. fol.* 78. De c' veies *Brook tit. Severance & Summons, f.* 238. Car eſt pluis duꝛ a cognoſtre en queux caſer *Severance* eſt ꝑmit, q̄ quel y eſt. La eſt auxy *Severance en Aſſiſe, Veil Livre d' Entries, f.* 81. *col.* 4. Et *Severance en Attaint, f.* 95. *col.* 2. Et *Severance en Det, f.* 200. *col.* 1. Et *Severance en Quare impedit, Coke, l.* 5. *f.* 97.

Sewers.

Sewers ſeems to be a Word compounded of two French Words, Seoir, to ſit and Eau, Water, for that the Sewers are Commiſſioners that ſit, by virtue of their Commiſſion and Authority grounded upon divers Statutes, to enquire of all Nuſances and Offences committed by the ſtopping of Rivers, erecting of Mills, not repairing of Banks and Bridges, &c. and to tax and rate all whom it may concern, for the amending of all defaults which tend to the hindrance of the free paſſage of the Water through her old and ancient Courſes. See the Statute of 6 H. 6. cap. 5. & 23 H. 8. cap. 5. for the form of their Commiſſion.

Sewers.

Sewers ſemble deſtre un parol compound des deux parols *Francois, Scoir, ſedere*, & *Eau, Aqua*, pur ceo que les *Sewers* ſont Commiſſioners que ſeont, per virtue de lour Commiſſion, & authority foundue ſur divers Statutes, d' inquire de touts Nuſances & Offences faits per leſtopper des Rivers, erecter des Molins, non repairer des Banks & Bridges, & pur taxer & rat' touts queux poit concern, ꝑ le amēder des touts defaults que ſont al hindrance del frank paſſage del Eau per ſes vieux & ancient currants. Veies le Stat. 6 *H. 6. cap* 5. & 23 *H. 8. cap.* 5. pur le forme de lour Commiſſion.

Shack.

Shack is a peculiar Name of Common uſed in the County

Shack.

Shack eſt un peculiar noſm̄ de Cōmon uſe en le pays

de

de *Norfolk*, & Avers de alera *Shack*, eſt tant adire come de aler a libertie, ou de aler alarge. Et ceſt Common appelle *Shack*, q̄ en le Commencemt fuit forſq; en nature de un Feeding, pur cauſe de vicinage, p̄ avoiding d̄ Suits, en aſcun lieus deins ceſt Pays eſt p̄ cuſtom alter en nature dun Common appendant ou appurtenant, & en aſcun lieus c̄ retaine ſon Original Nature. *Coke l. 7. f. 5.*

of Norfolk, and Cattel go to Shack, is as much as to ſay as to go at Liberty, or to go at large. And this Common called Shack, which in the beginning was but in nature of a Feeding, becauſe of Vicinage, for avoiding of Suits in ſome Places within this County is by Cuſtom altered into the nature of Common Appendant or Appurtenant, and in ſome places it retains its Original Nature. Coke, lib. 7. fol. 5.

Shewing.

SHewing eſt, quietum eſſe cum Attachiamento in aliqua Curia, & coram quibuſcunque, in Querelis oſtenſis, & non advocatis.

Shewing.

SHewing is, to be quit with Attachment in any Court, and before whomſoever, in Plaints ſhewed and not allowed.

Sicut alias.

SIcut alias eſt un ſecond Brief mis lou le primer ne fuit execute; & eſt iſſint appel del ceux parols en ceo, *ſicut alias præcipimus.*

Sicut alias.

SIcut alias, is a ſecond writ ſent out where the firſt was not executed; and is ſo called from thoſe Words in it, Sicut alias præcipimus.

Sine Die.

SIne Die, ſans jour. Quant Judgment eſt done vers le Plaintiff il eſt en miſericordia pro falſo clamore ſuo, & eat inde ſine die, *i. e.* il eſt diſmiſs del Court.

Sine Die.

SIne Die, without day. When Judgment is given againſt the Plaintiff, he is in Miſericordia pro falſo Clamore ſuo, & eat inde ſine die, i. e. he is diſmiſſed out of Court.

Soc.

SOc eſt Secta de homiñ in Curia veſtra, ſecundum cōſuetud Regni.

Soc.

SOc is Suit of Men in your Court, according to the cuſtom of the Realm.

Soccage.

TEner en *Soccage* eſt, a tener d̄ aſcun Seigniour Terres ou Tenements, rendant a luy un certaine Rent p̄ an p̄ touts mañers des Services.

Taner per Soccage neſt pas teñ per Service de Chivaler, ne la appent Gard,

Soccage.

TO hold in Soccage is, to hold of any Lord Lands or Tenements, yielding him a certain Rent by the year for all manner of Services.

To hold by Soccage, is not to hold by Knights Service, nor both Ward, Marriage, or

Re-

Relief belong to it: but they ſhall double once their Rent after the death of their Anceſtor, according to that, that they be wont to pay to their Lord.

And they ſhall not be above meaſure grieved, as it appears in the Treatiſe of Wards and Relief.

And note well, that Soccage is in 3 manners; that is to ſay, Soccage in free Tenure, Soccage in ancient Tenure, and Soccage in baſe Tenure.

Soccage in free Tenure is, when one holds of another by Fealty and certain Rent for all manner of Service, as is before ſaid.

And of all Lands holden in Soccage the next of kin ſhall have the Ward, to whom the Heritage may not diſcend till the age of 15 years: that is to ſay, if the Heritage come by the part of the Father, they of the part of the Mother ſhall have the Ward; and contrariwiſe.

If the Gardian in Soccage make waſte, he ſhall not be impeached of waſte, but he ſhall yield accompt to the Heir when he ſhall come to his full age of 21 years; for which ſee the Statutes of Marlebr. cap. 17.

Soccage of ancient Tenure is that where the people held in Ancient Demeſne, who were wont to have no other Writ than the Writ of Right cloſe, which was determined According to the Cuſtom of the Manor, and the Monſtraverunt, to diſcharge them when their Lord diſtrain them to do other Services than they ought.

This Writ of Monſtraverunt ought to be brought againſt their Lord: and theſe Tenants hold all by one certain Service, and are free Tenants of Ancient Demeſne.

Marriage, ne Relief: mes ils doubleront un foits lour Rent apres le mort lour Anceſtor, ſolonc̃e ceo q̃ ſoloyent payer a lour Seigniour.

Et ils ne ſerront ouſter meaſure greeves, come il appiert en le Treatiſe *de Gards & Relief*.

Et nota, que Soccage eſt, en trois manners; ceſtaſc' Soccage en frank Tenure, Soccage en ancient Tenure, & Soccage en baſe Tenure.

Soccage en frank Tenure eſt quant un tient de un p Fealty & certain Rent pur touts manner d' Services, come devant eſt dit.

Et de tours Terres tenus en Soccage le procheine amy avera le Garde, a que le Heritage ne purra my diſcender tanque al age le Heire del 14 ans: ceſtaſcavoir, ſi le Heritage veign̄ per le part le Pere, ceux del part le Mere averont le Gard; & contra.

Si Gardian en Soccage fait Waſte, il ne ſerra my impeache de Waſte, mes il rendra accompt al Heire quant il viendra al pleine age d 21 ans. Et veies l' Stat. de *Marlebridge ca.* 17. pur ceſt matter.

Soccage de ancient Tenure eſt ceo lou les gents tenoyent en Antient Demeſne, que ne ſolont aver auter Bre q̃ le Bre de *Droit cloſe*, que fuit determine *Secundum conſuetudinem Manerii*, & l' *Monſtraverunt*; pur eux diſcharger quant lour Sñr eux diſtreine pur faire auter Services que duiſſent.

Ceſt Brief d' *Monſtraverunt* doit eſtre port envers lour Sñr: & ceux Tenants teignont touts per un certaine Service & ſont franke Tenants de Ancient Demeſne.

Soccage en baſe Tenure eſt, lou home tient en Ancient Demeſne, que ne poit aver le *Monſtraverunt*, & put ceo il eſt appel le *baſe Tenure*.

Soccage in baſe Tenure is, where a man holds in Ancient Demeſne, that may not have the Monſtraverunt, and for that it is called the baſe Tenure.

Sockmans.

Sockmans ſont les Tenants ē Anciēt Demeſne, queux tient lour Terres p Soccage, ceſt adire p Service del Carue, & p ceo ils ſont appelle *Sockmans*, que eſt tant adire come Tenāts ou homes queux tient per Service del Carue, ou hōes del Carue: Car *Sok* ſignifie un Carue.

Et ceux *Sockmans*, ou Tenants en Ancient Demeſne, ont pluſors & divers Liberties done & grant a eux p l'Ley, cybien ceux Tenants q̄ux tient de un cōmon perſon, come ceux q̄ux tient del Roy ē Ancient Demeſne; come noſement deſtre quite de payer Toll en cheſcun Market, Fair, Ville, Citie, per tout le Royalme, cybien p̄ lour Biens & Chattels que ils vende as auters, come pur ceux choſes que ils achateront p̄ lour proviſion. Et ſur ceo cheſcun de eux poit ſuer de aver Letters Patents deſouth le Seal le Roy, directe a ſes Officers, & al Maiors, Bailiffs, & auters Officers en le Royalme, de ſuffer eux deſtre quit de Tolle: deſtre exempt del Leets & d̄ Turns de Vic'; item deſtre quit de Pontage, Murage, & Paſſage; & auxy de Taxes & Tallages grant per Parliament, ſinon que l'Roy taxe Ancient Demeſne, come il poit a ſon pleaſure, pur grand cauſe; deſtre quit de payment a les expences del Chivalers del Shire, queux vient al Parliament.

Sockmans.

Sockmans are the Tenants in Ancient Demeſne, that held their Lands by Soccage, that is, by Serbice with the Plow, and therefore they are called Sockmans; which is as much to ſay, as Tenants or men that hold by Serbice of the Plow, or Plow-men: For Sok ſignifies a Plow.

And theſe Sockmans, or Tenants in Ancient Demeſne, have many and divers Liberties given and granted them by the Law, as well thoſe Tenants that hold of a comunon perſon, as thoſe that hold of the King in Ancient Demeſne; as namely to be free from paying Toll in every Market, Fair, Town and City, throughout the whole Realm, as well for their Goods and Chattels that they ſell to others, as for thoſe things that they buy for their Proviſion. And thereupon every of them may ſue to have Letters Patents under the King's Seal, directed to his Officers, and to the Mayor, Bayliffs, and other Officers in the Realm, to ſuffer them to be Toll-free: to be exempt from Leets and Sheriffs Turns: alſo to be quit of Pontage, Murage, and Paſſage; as alſo of Taxes and Tallages granted by Parliament, except that the King tax ancient Demeſne, as he may at his pleaſure, for ſome great cauſe: to be free from payments toward the expences of the Knights of the Shire that come to the Parliament.

And

And if the Sheriff will diſtrain them or any of them, to be contributary for their Lands in Ancient Demeſne, then one of them, or all, as the caſe requires, may ſue a Writ directed to the Sheriff commanding him that he do not compel them to be contributary to the expences of the Knights. And the ſame Writ doth command him alſo, that if he have already diſtrained them therefore, that he redeliver the ſame Diſtreſs.

Alſo that they ought not to be impannelled, nor put in Juries and Enqueſts in the Country out of their Manor or Lordſhip of Ancient Demeſne, for the Land that they hold there, (except that they have other Lands at the Common Law, for which they ought to be charged.) And if the Sheriff do return in Pannels, then they may have a Writ directed to him, De non ponendis in Aſſiſis & Juratis: And if he do the contrary, there lies an Attachment againſt him.

And ſo it is alſo if the Bailiffs of Franchiſes, that have return of Writs, will return any of the Tenants which hold in Ancient Demeſne in Aſſiſes or Juries.

Et ſi le Viſcount voil diſtreyner eux, ou aſcun de eux, deſtre contributorie pur lour Terres en Ancient Demeſne, donques l' un de eux, ou touts, come le caſe require, poit ſuer un Brief directe al Viſcount, luy commandant que il ne compelle eux deſtre contributories al expences de Chivalers. Et meſme le Brief luy command auxy, que ſi il ad diſtrain eux pur ceo, que il redeliver m̃ le Diſtreſſe.

Item que ils ne deveront eſtre impannel, ne mis en Juries & Enqueſts en le Pays hors de lour Mannor ou Seigniory de Ancient Demeſne, p̃ les Terres queux ils teigne la, (ſinon que ils ont auters Terres al Common Ley, pur quex ils deveront eſtre charge.) Et ſi le Viſcount retourne eux en Pannels, donques ils poyent aver un Brief direct a luy *De non ponendis in Aſſiſis & Juratis*; Et ſil face al contrary, y giſt Attachment envers luy.

Et iſſint eſt auxy ſi les Bailiffs des Franchiſes, queux ont Retorn des Briefs, voile returne aſcun del Tenants queux teigne en Ancient Demeſne en Aſſiſes ou Juries.

Sodomy.

Sodomy, in the Indictment for this offence it is ſaid, Rem veneream habuit & peccatum illud ſodomiticum (inter Chriſtianos non nominandum) felonice commiſit.

Sodomy.

Sodomy, en le Indictment p̃ ceo offence eſt dit, *Rem veneream habuit & peccatum illud Sodomiticum (inter Chriſtianos non nominandum) felonice commiſit.*

Spoliation.

Spoliation is a Suit for the Fruits of a Church, or for the Church it ſelf; and it is to be uſed in the Spiritual Court, and not

Spoliation.

Spoliation eſt un Suit p̃ les Fruits dun Eſgliſe, ou pur la Eſgliſe meſm̃; & eſt deſtre ſue en le Spiritual Court,

& nemy en le Temporal. Et ceſt Suit giſt pur un Encumbent envers un auter, lou ils ambideux claime per un Patron, & lou le droit del Patronage ne vient en queſtion ou debate. Cõe ſi un Parſon ſoit cree un Eveſque, & ad diſpenſation de teñ ſon Rectorie, & puis l' Patron preſent aut' Encumbẽt, q̃ inſtitute & induct: ore Eveſque poit aver envers ceſtuy Encumbẽt un *Spoliation* en le Spiritual Court, pur ceo que ils ambideux claime p̃ un Patron, & le droit del Patronage ne vi̇ẽt en debate, & p̃ ceo q̃ le auter Encumbent vient al poſſeſſion del Benefice per le courſe del Ley Spiritual, ceſtaſcavoir, per Inſtitution & Induction, iſſint que il ad colour de aver ceo, & deſtre Parſon p̃ le Spiritual Ley: car autrement, ſil ne ſoit inſtitute & induct, &c. *Spoliation* ne giſt envers luy, mes pluiſtoſt un Brief de Treſpaſs, ou un Aſſiſe de *Novel diſſeiſin*, &c.

Iſſint auxy eſt lou un Parſon que ad Pluralitie accept auter Benefice, per reaſon de que le Patron preſent un aut' Clerk a que eſt inſtitute & induct: ore le un de eux poit aver *Spoliation* envers le auter, & donques viendra en debate ſi il ad un ſufficient Pluralitie ou non. Et iſſint eſt de Deprivation, &c.

Meſme le ley eſt, ou un dit a le Patron, que ſon Clerke eſt mort, ſur que il preſent un auter: la le primer Encumbent, que fuit ſuppoſe deſtre mort, poit aver un *Spoliation* envers le auter. Et iſſint en divers auters ſẽblables caſes, de quel veies *Fitz. Nat. Br. fo.* 36. G. &c.

in the Temporal. And this Suit lies for one Incumbent against another, where they both claim by one Patron, and where the right of the Patronage doth not come in queſtion or debate. As if a Parſon be created a Biſhop, and hath diſpenſation to keep his Benefice, and afterward the Patron preſents another Incumbent, which is inſtituted and inducted: now the Biſhop may have against that Incumbent a Spoliation in the Spiritual Court, becauſe they claim both by one Patron, and the right of the Patronage doth not come in debate, and becauſe the other Incumbent came to the poſſeſſion of the Benefice by the courſe of the Spiritual Law, that is to ſay, by Inſtitution and Induction, ſo that he hath colour to have it, and to be Parſon by the Spiritual Law: for otherwiſe, if he be not inſtituted and inducted, &c. Spoliation lies not againſt him, but rather a Writ of Treſpaſs, or an Aſſiſe of Novel diſſeiſin, &c.

So it is called where a Parſon who hath a Plurality doth accept another Benefice, by reaſon whereof the Patron preſents another Clerk, who is inſtituted and inducted: now the one of them may have Spoliation againſt the other, and then ſhall come in debate whether he has a ſufficient Plurality or not. And ſo it is of Deprivation, &c.

The ſame law is, where one ſaith to the Patron, that his Clerk is dead, whereupon he preſents another: there the firſt Incumbent who was ſuppoſed to be dead may have a Spoliation againſt the other. And ſo it is in divers other like caſes, whereof ſee Fitz. Natura Br. f. 36. G. &c.

See

Stableſtand.

Tableſtand is a term of the Foreſt Laws, when one is found ſtanding in the Foreſt with his Bow bent ready to ſhoot at any Deer, or with his Grey-hounds in a Leaſe ready to ſlip. See Manw. Forreſt Laws. cap. 18. fol. 133. b.

Stallage.

Tallage ſignifies Money paid for pitching Stalls in Fairs or Markets, or the right of doing it.

Standard.

Ttandard. See Eſtandard.

Stannary.

Tannary are Courts by ancient cuſtom held in Cornwal for ſuits concerning the Trade of Tin.

Statute-Merchant.

TO hold by Statute-Merchant is, where a man acknowledges to pay Money to another at a certain day before the Mayor, Bailiff, or other Warden of any Town that hath power to make execution of the ſame Statute, and if the Obligor pay not the Debt at the day, and nothing of his Goods, Lands or Tenements may be found within the Ward of the Mayor or Warden aforeſaid, but in other places without, then the Recogniſee ſhall ſue the Recogniſance and Obligation with a Certification to the Chancery under the King's Seal, and he ſhall habe out of the Chancery a Capias to the Sheriff of the County where he is, to take

Stableſtand.

STableſtand eſt un terme del Forreſt Leys quant un eſt trove *eſteant* en le Forreſt ove ſon Arc tend priſt de ecocher al un Dame, ou oveſq; ſes Levriers en un Leſſe priſt de gliſſer. Veies *Manw. For. Leys, Ca.* 18. *fol.* 133 *b.*

Stallage.

STallage ſignifie argent pay pur pitching *Stalles* in Nundinis & Mercat', ou le droit de ceo faiſant.

Standard.

STandard. Veies *Eſtandard.*

Stannary.

STannary ſont Courts p ancient Cuſtom teigne en *Cornwal* p ſuits concernant le Trade de Tin.

Statute-Merchant.

TEner per *Statute-Merchant* eſt, lou hõe conuſt a payer deniers a un auter a certain jour devant l' Maior, Bailiff, ou auter Gardein de aſcun Ville que ad poyar de faire execution de meime le Statute, & ſi le Obligor ne paya le Det a le jour, & rien de ſes Biens, Terres ou Tenements ne purront eſtre troves deins le Gard le Maior ou Gardein avantdit, mes en auters lieux dehors, donques le Recogniſance & Obligation ove un Certification a la Chancerie deſouth le Seal le Roy, & il avera hors de la Chancerie un *Capias* al Viſcount del County lou il eſt, de luy prender, & mit-

treluy en priſon, ſi il ne ſoit Clerke, tanque il ad fait gree de la Dette. Et un quarter de le an apres ceo que il ſerra priſe, il avera ſa Terre deliver a luy meſme, pur faire gree a le partie de le Dette; & il poit vender ſa Terre tanque il eſt en priſon, & ſon vendition ſerra bone. Et ſi il ne face gree deins le quarter dun an, ou ſil ſoit returne que il neſt trove, & ſil ne ſoit Clerke, adonques le Recogniſee poit aver Brief de le Chancery, appel *Extendi facias*, direct al aſcun Viſcount, de extender les Terres & Biens, & les Biens a luy deliver, & luy ſeiſer en ſes Terres, a tener eux a luy, ſes Heires & Aſſignes, tanq; le Dett ſoit levie ou pay; & pur cel temps il eſt Tenant p Statute-Merchant.

Nota, que en un Statute-Merchant le Recogniſee avera Execution de touts les Terres que le Recogniſor avoit jour de la Recogniſance fait & aſcun temps puis, per force de m̃ le Statute.

Et quant aſcun Waſt ou deſtruction eſt fait per le Recogniſee, ſes Executors, ou celuy q, ad ſon Eſtate, le Recogniſor ou ſes Heires averont meſme la Ley, come eſt ſuiſdit d le Tenant p *Elegit*.

Si le Tenant per le Statute-Merchant tient ouſter ſon terme, ceſtuy q; ad droit poit ſuer envers luy un *Venire fac' ad computandum*, ou enter tantoſt, ſicome ſur Tenant p *Elegit*. Veies l'Statute 11 E. 1. & de *Acton Burnel*, & 13 E. 1. *de Mercatoribus*.

him, and to put him in priſon, if he be not a Clerk, till he have made ſatisfaction for the Debt. And one quarter of a year after he is taken, he ſhall have his Land delivered to himſelf, to make gree to the party for the Debt: and he may ſell his Land while he is in priſon, and his ſale ſhall be good. And if he do not make ſatisfaction within a quarter of a year, or if it be returned that he is not found, and if he be not a Clerk, then the Recogniſee may have a Writ out of the Chancery, called Extendi facias, directed to any Sheriff, to extend his Lands and Goods, and to deliver the Goods to him, and to ſeiſe him in his Lands, to hold them to him, his Heirs and Aſſigns, till the Debt be levied or payed; and for that time he is Tenant by Statute-Merchant.

Note, That in a Statute-Merchant the Recogniſee ſhall have Execution of all the Lands which the Recogniſor had the day of the Recogniſance made, and any time after, by force of the ſame Statute.

And when any Waſte or deſtruction is made by the Recogniſee, his Executors, or him that hath his Eſtate, the Recogniſor or his Heirs ſhall have the ſame Law, as is before ſaid of the Tenant by Elegit.

If Tenant by Statute-Merchant hold over his term, he that hath right may ſue againſt him a Venire fac' ad compurandum, or elſe enter immediately, as upon Tenant by Elegit. See the Statute 11 E. 1. and of Acton Burnel, and 13 E. 1. De Mercatoribus.

Statute-

Statute-Staple.

STatute-Staple is a Bond or Recognizance acknowleged before the Mayor of the Staple, and by force of ſuch Statute, the Creditor may take out Execution of the Body, Lands and Goods of ſuch Debtor by force of the Statute of 27 Ed. 3. cap. 9.

Statute-ſtaple.

S*Tatute ſtaple* eſt un Obligation ou Recognizance conus devant le Mayor del Staple. Et per force de tiel Stat. le Creditor poet aver execution del Corps, terres & biens del debtor per force del Stat. 27 *Ed.* 3. *cap.* 9.

Starr-chamber.

STarr-chamber was an High Court held in the Starr-Chamber at Weſtm. before the King, Peers and Judges, aboliſhed per Stat. 17 Car. cap. 10.

Starr-chamber.

S*Tar chamber* fuit un haut Court teigne in Camera ſtellata a *Weſtm.* devāt le Roy, les Peers & Judges, aboliſh p Stat. 17. *Car.* 2 *cap.* 10.

Sterbreech.

STerbrech, alias Strebrech, is the Breaking, Obſtructing, making leſs of a Way.

Sterbrech.

S*Terbrech*, alias *Strebrech*, *i. Viæ Fractio, Obſtructio, vel diminutio.*

Stilyard.

STilyard is a word uſed in the Statute of 22 H. 8. cap. 8. where the Hanſe-Merchants are called the Merchants of the Stilyard, which is a place in London where theſe Merchants or their Brotherhood had their abode. And the Houſe is ſaid to be ſo called, becauſe built a Court-yard near the Thames, where Steel was want to be much ſold.

Stilyard.

S*Tilyard* eſt un parol uſe en le Statute de 22 *H.* 8. *cap.* 8. lou les Merchants *Teutonicks* ſont apelles les Merchants del *Stilyard*, que eſt un lieu ẽ *Londres* lou ceux Merchants ou le Fraternity d'ux ad lour abode. Et c' Meaſe eſt dit deſtre iſſint appel, p̃ c' q̃ edefie ſur un Court pres le *Thames*, ou Aeier ſoloit deſtre uſualment vendus.

Sub pœna.

SUb pœna is the name of a Writ made in divers Courts of Law and Entry; viz. in Chancery, and all other Courts, to ſummon Witneſſes, and in that Court and in the Exchequer in Law and Equity, and in the Common Pleas upon Informations, qui tam, &c. to ſummon Defendants and in the Crown Office upon Informations.

Sub pœna.

S*Ub pœna* eſt le noſm de un Brief fait en divers Courts de Ley & Equity; *viz.* in Chancery & touts auters Courts a ſumoner teſmoins, & en ceo Court & en le Exchequer en Ley & Equity, & in le Common Pleas ſur Informations, *qui tam, &c.* & iſſint en le Crown Office ſur Informations.

Subſidy.

Subſidy eſt un Tax ou Tribute done per le Parliament al Roy ſur urgent occaſions del Realm de eſtre levy del chescun Subject accordant al ſon Terres ou Biens.

Subſidy.

Subſidy is a Tax or Tribute granted by the Parliament to the King upon extraordinary occaſions of the Kingdom, to be levied upon every ſubject according to his Lands or Goods.

Suffragan.

Suffragan eſt un parol uſe en le Statute de 26 *H.* 8. *cap.* 14. & ſignifie un titular Eveſque, ordeine de ayder & aſſiſter l' Eveſque des Dioces en ſon Spiritual Function. Et eſt appel *Suffraganeus* en *Latine*, pur ceo q̄ per ſon *Suffrage* Eccleſiaſtical cauſes ſont eſtr̄ adjudges.

Suffragan.

Suffragan is a word uſed in the Statue of 26 H. 8. cap. 14 and ſignifies a Titular Biſhop appointed to aid and aſſiſt the Biſhop of the Dioces in his Spiritual Function. And he is called Suffraganeus in Latin, becauſe by his Suffrage Eccleſiaſtical Cauſes are to be adjudged.

Suggeſtion.

Suggeſtion eſt, un Information trahe en Eſcript, monſtrans cauſe pur aver un Prohibition, quel eſt relinque en Court, & eſt mention en le Stat. 2 *Ed.* 6. *cap.* 13.

Suggeſtion.

Suggeſtion, is an Information drawn in Writing, ſhewing cauſe to have a Prohibition, which is left in Court, and is mentioned in the Statute 2 E. 6. cap. 13.

Sumage.

Sumage ſemble deſtre Toll pur Carriage per chival. *Crompt Juriſd. f.* 191.

Sumage.

Sumage ſeems to be Toll for Carriage on Horſeback. Crom. Juriſd. f. 191.

Summons ad Warrantizandum, &c.

Summons ad Warrantizandum, & *Sequatur ſub ſuo periculo*: Veies de ceux apres en le Title *Voucher*.

Summons ad Warrantizandum, &c.

Summons ad Warrantizandum, and Sequatur ſub ſuo periculo: See of them after in the Title Voucher.

Supercargo ou *Supracargo.*

Supercargo ou *Supracargo*, eſt un Factor ou Agent q̄ ale ove un neif ouſter le mere per order del Proprietor des Merchandizes en ceo, & diſpoſe d'eux: Et le Maſter del neif eſt oblige a performer les Orders de tiel Factor ou Supercargo.

Supercargo, *or* Supracargo.

Supercargo, or Supracargo, is a Factor or Agent which goes with a Ship beyond the Seas, by order of the Owner of the Wares therein, and diſpoſes thereof: And the Maſter of the Ship is obliged to perform the Orders of ſuch Factor or Supercargo.

Super-

Superſedeas.

Superſedeas is a Writ that lies in divers caſes, as appears by F. N. B. f. 236. A. but it is always a command to ſtay ſome ordinary Proceedings in Law, which ought otherwiſe to proceed.

Supplicavit.

Supplicavit is a Writ iſſuing out of the Chancery, directed to the Sheriff and ſome Juſtices of the Peace in the County, or to one or more Juſtices without the Sheriff, for taking Surety of ſuch a one as it is prayed againſt, that he ſhould keep the Peace: and this is by the Statute of 1 E. 3. c. 16. See F. N. B. f. 80. C. and ſee the Stat. 21 Jac. c. 8.

Sur cui in vita.

Sur cui in vita is a Writ that lies for the Heir of an Inheritrix, whoſe Husband alened the Inheritance of his Wife, and the Wife died before ſhe recovered in a Cui in vita. See for this F. N. B. 194. C.

Surpluſage.

Surpluſage comes of the French Surplus, that is an Overplus, and ſignifies in the Law an Addition of more than needs, which ſometimes is the Cauſe that a Writ ſhall abate, but in pleading many times it is abſolutely void, and the reſidue of the Plea ſhall ſtand good.

Surrejoinder.

Surrejoynder is an Anſwer to the Defendants Rejoynder, or a ſecond inforcing of the Plaintiffs Declaration.

Sur-

Superſedeas.

Superſedeas eſt un Bre que giſt en divers caſes, come appiert p *F. N. B f.* 236. *A.* mes eſt touts foits un Precept p̄ tarier aſc' Proceſſe en Ley, q̄ autrem̄t doit ordinariment proceder.

Supplicavit.

Supplicavit eſt un Brief iſſuant hors del Chancery direct al Viſcount & aſcuns Juſtices del Peace en le Countie, ou al un ou pluis Juſtices del Peace ſans le Viſc', p̄ le prender del Suretie d'un tiel vers q; eſt prie q; il gardera le Peace: & ceo eſt p̄ le Statute 1 *E.* 3. *c.* 16. Veies *F. N. B. f.* 80. *C.* & veies ore le Statute de 21 *Jac. c.* 8.

Sur cui in vita.

Sur cui in vita eſt un Bre q̄ giſt p̄ l' Heir d' un Inheritrix, lou le baron alien l'Inheritāce ſa feme, & le feme moruſt devant q; el ad ceo recover en un *Cui in vita.* Veies de ceo *F. N. B. f.* 194. *C.*

Surpluſage.

Surpluſage venuſt del *Francois Surplus, id eſt, Additamentum,* & ſignifie ē le Ley, un Addition plus q̄ beſoigne, q; aſcun foits eſt le cauſe que un Bre abateſ, mes en pleader mults foits eſt abſolutement void, & le reſidue del Plea eſtoyera bon.

Surrejoynder.

Surrejoynder eſt un Reſpons al Rejoind del Defendant, ou un ſecond enforcement del Declaration le Plaintif.

Sur-

Surrender.

SUrrender (*Surſumreddito*) eſt le Conſent d'un particular Tenant, q; ceſtuy en le Reverſion ou le Remainder viendr̄ maintenant al poſſeſſion. Et ceo eſt ou un Surrend̄ ē Fait p̄ un actual redoner d̄l Eſtate; on ē Ley, p̄ acceptance d'un novel Leaſe, ou tiel aut' act. Veies de ceo *Perkins*, *c.* 9.

Auxi eſt un act fait al Seineur del Mannor ou ſon ſeneſchal de Eſtate Copy-hold, ou fait per ſpecial Cuſtome d'aſcun Mannors, a deux Copy-hold Tenants del Mannors, quel ſurrender, doit eſtre preſent al procheine Court Baron.

Surrogate.

SUrregate eſt celuy que eſt conſtitute en le lieu de un auter, p'uis foits de un Eveſque ou ſon Chancellor.

Swainmote.

SWwainmote, ou *Swannimote*, eſt un Court tenus trois foits en un an deins un Foreſt, p̄ le Statute de *Charta de Foreſta c.* 8. p̄ tours les Frāktenants del Forreſt; car iſſint l' Etymologie del parol monſtr̄, *Mote* en le language *Normannis* ſignificant un Court, & *Swain* en le *Saxon* un Charterer, ou Franktenant: iſſint q; *Swainmote* eſt le Court des Franktenants. Veies d̄ c' *Manw. Fo. Leys*, *c.* 23. *f.* 217, *&c.* alarge.

Swainmote, ē ceſt Court, Preſentm̄ts d̄ Offēces al Foreſt ou Game ſont faits & dones eins al Juſtices en Eyr.

Surrender.

SUrrender is the Conſent of a particular Tenant, that he in the Reverſion or the Remainder ſhall preſently have the poſſeſſion. And this is either Surrender in Deed by an actual yielding up of the Eſtate; or in Law, by the taking of the new Leaſe, or ſuch other Act. See of this. Perkins c. 9.

Alſo it is an Act done to the Lord of a Mannor, or his Steward, of a Copy-hold Eſtate; or done by ſpecial Cuſtom of ſome Mannors to two Copy-hold Tenants of Mannors, which ſurrender, ought to be preſented at the next Court Baron.

Surrogate.

SUrrogate is he who is appointed the ſtead of another, moſt commonly of a Biſhop or his Chancellor.

Swaimote.

SWainmote or Swannimore, is a Court held thrice in a year within a Forreſt, by the Statute of Charta de Forreſta, c. 8. for all the Free-holders of the Forreſt, for ſo much the Etymology of the word imports; Mote in the Norman Speech ſignifying a Court, and Swain in the Saxon a Charterer, or Free-holder: ſo that Swannimote is the Court of the Free-holder. See of this Manwood's Forreſt Laws, cap. 23. f. 217, &c. at large.

Swainmote, in this Court, Preſentments of Offences done to the Forreſt or Game are made & given into the Juſtices in Eyre.

Syb

Syb & Som.

SYb & Som, i. e. Peace and Security. L. L. Eccles. Canuti Regis, c. 17.

Sylva cædua.

Sylva cædua, i. e. Wood under the Growth of twenty years; it is also called Hubboys or Coppice Wood, 2 Inst. 642.

Symony.

SYmony is an unlawful Contract made to have a Man presented to a Rectory or Vicarage, which is prohibited by Stat. 31 Eliz. cap. 6. See Stat. 1. W. & M. cap. 16.

Synodal.

SYnodal is a Tax paid in Money to the Bishop or his Arch-Deacon, by the inferior Clergy at their Easter Visitation.

Syb & Som.

STb & Som, i. e. Pax & Securitas. *L. L Eccleſ. Canuti Regis, c.* 17.

Sylva cædua.

SYlva cædua, i. e. Boys deſoubs le growth de vigint ans; que eſt auxi appel Subboys ou Coppice Wood. 2 *Inſt.* 642.

Symony.

SYmony eſt un Contract illoyal fait p̄ aver un home preſent al Rectory ou Vicarage, quel eſt prohibite p̄ Stat. 31 *Eliz. cap* 6. Veies Stat. 1. *W. & M. cap.* 16.

Synodal.

SYnodal eſt un Tribute pay en Argent al Eveſque ou a ſon Archdeacon p̄ le inferior Clergy al lour Viſitation al Paſche.

T.

Fee-tail.

TO hold in the Tail is, where a Man holds certain Lands or Tenements to him and to his Heirs of his Body begotten.

If the Land be given to a Man and to his Heirs males, and he hath Iſſue male, he hath Fee-ſimple; which was adjudged in Parliament. But where Lands are given to a Man and to his Heirs males of his Body begotten, then he hath Fee-tail, and the Iſſue Female ſhall not inherit, as appears in the 14 year of E. 3. in an Aſſiſe 18 E. 3. 45.

T.

Fee-Tail.

TEner en le *Taile* eſt, lou home tient certain Terres ou Tenements a luy & a ſes Heires de ſon corps engendres.

Si le Terre ſoit done a un home & a ſes Heires males, & il ad Iſſue male, il ad Fee-ſimple; q; fuit adjudge ē Parliam̄t. Mes lou Tr̄s ou Tenements ſont dones a un hōe & a ſes Heires males de ſon corps engendres, il ad Fee-tail, & l'Iſſue female ne ſerra inherite; ut patet *Anno* 14 *E.* 3. en un Aſſiſe, 18 *E.* 3. 45.

Fee

Fee-taile eſt, lou Terre eſt done a un home & ſes Heires de ſon corps engendres; & il eſt dit Tenant en le Taile general.

Si Terres ſont done al baron & feme, & al Heires de lour deux corps engendres, ore le baron & la feme ſont Tenants en le Taile eſpecial. Et ſi un d'eux devie, ceſtuy q̄ ſurvive eſt Tenant en le Taile apres poſſibilite d'iſſue extinct; & ſi il face Waſte, il ne ſerra impeach de ceo. Vide *Littleton.*

Mes ſi le Roy done Terres a un home & a ſes Heires males, & le Donee devie ſans iſſue male; donques le Coſin collateral del Donee ne enheritra, mes le Roy re-entra: & iſſint fuit adjudge en l'Exchequer-chamber 18 *H.* 8. en un Information fait vers l' Heire de Sir *T. Lovel* Chivaler.

Fee-tail is, where the Land is given to a Man and the Heirs of his Body begotten; and he is called Tenant in Tail general.

If Lands are given to the Husband and Wife, and the Heirs of their two Bodies begotten, then the Husband and the Wife are Tenants in Tail eſpecial. And if one of them die, he that ſurvives is Tenant in Tail after poſſibility of Iſſue extinct; and if he make Waſte, he ſhall not be impeached for it. See Littleton.

But if the King give Lands to a Man, & to his Heirs males, and the Donee dies without Iſſue male, then the Couſin collateral of the Donee ſhall not inherit but the King ſhall re-enter: and ſo it was adjudged in the Exchequer-chamber, 18 H. 8. in an Information made againſt the Heir of Sir T. Lovel Knight.

Taile apres poſſibilitie.

TEner en le *Taile apres poſſibilitie d' iſſue extinct* eſt, lou Terre eſt done a un home & ſa feme, & a les Heirs de lour deux corps engendres, & l'un d' eux ſurvive l' auter ſans iſſue enter eux engendre; il tiendra le Terre a terme de ſa vie demeſne, come Tenant en le Tail aps poſſibilitie d' Iſſue extinct: & non obſtāt q; il fait Waſte, il ne ſerra jammes impeach de ceo. Et ſi il alien, celuy en le Reverſion ne avera Brief d' *Entre in conſimili caſu*, mes il poit enter, & ſon Entre eſt congeable, per *R. Thorpe chief Juſtice*, 28 *E.* 3. 96. & 45 *E.* 3. 25.

Tail after poſſibility.

TO hold in the Tail after poſſibility of Iſſue extinct is, where Land is given to a Man and his Wife, and the Heirs of their two Bodies engendred, and one of them overlives the other without Iſſue between them begotten; he ſhall hold the Land for term of his own Life, as Tenant in the Tail after poſſibility of Iſſue extinct: and notwithſtanding that he do Waſte, he ſhall never be Impeached of it. And if he alien, he in the Reverſion ſhall not have a Writ of Entry in conſimili caſu, but he may enter, and his Entry is lawful, by R. Thorpe, Chief Juſtice, 28 E. 3. 96. & 45 E. 3. 25.

Tales.

T*Ales* eſt un Supplie de homes impanel' ſur un Jurie ou Enqueſt, & nient ap-

Tales.

TAles is a Supply of men impannelled upon a Jury or Inqueſt, and not appearing, or

at their Appearance challenged for the Plaintiff or Defendant as not indifferent, and in this case the Judge upon Petition grants a Supply to be made by the Sheriff, of some Men there present, equal in Reputation to those that are impannelled: and hereupon the very Act of supplying is called a Tales de circumstancibus. This Supply may be one or more, and of as many as shall either make Default or else be challenged by each party. Stamf. Plac. Cor. l. 3. c. 5. Howbeit he that hath had one Tales, either upon Default or Challenge, though he may have another, yet he may not have the latter to contain so many as the former: for the first Tales ought to be under the number of the principal Pannel, except in a cause of Appeal; and so every Tales less than other, until the number be made up of Men present in Court, and such as are without Exception to the party or parties. See Stamford in the place before, where you may find some Exceptions to this general Rule. See Brook, f. 105. and Coke, l. 10. f. 99. Bewsage's Case.

Talwood.

TAlwood is a term used in the Statutes of 34 & 35 H. 8. c. 3. and 7 E. 6. c. 7. and 43 Eliz. cap. 14. and signifies such Wood as is cut into short Billets, for the sizing whereof those Statutes were made.

Tam quam.

HE who prosecutes as well for the King as for himself upon an Information for Breach of any penal Law or Statute, whereby any Penalty is given to the Party that sues.

paront, ou a lour apparence challenge pur le Plaintiff ou Defendant come nient indifferent, & en ceſt caſe le Judge ſur petition granta un Supplie deſtre fait p le Vic', d'aſcuns homes la pſent, egal en reputation ove ceux q; fueront impannel: & ſur c' le verie act d ſuppliant eſt appel *Tales de circumſtantibus.* Ceſt ſupplie puit eſtre d'un ou pluis, & de cy pluſors cõe ou ſerront default ou ſerront challenge p aſc' ptie, *Stamf. Plac Cor. l* 3. *c.* 5. Uncore ceſtuy q̃ avoit ad un *Tales*, ou ſur default ou challenge, cõm̃t il ne poit aver un aut' uncor̃ il ne poit aver le darreine de container cy pluſors cõe le prim̃: car le prim̃ *Tales* doit eſtre deſouth le nõbre del principal Pañel, ſinon en un cauſe d'Appeale; & iſſint cheſc' *Tal'* meins q; aut', jeſque le nombre ſoit repleit d homes preſent en Court, & tiels que ſont ſans exception al partie ou parties. Veies *Stamford* ẽ le lieu devant, ou vous poyes trover aſcuns exceptions, al ceſt general Rule. Veies *Brook, f.* 105. & *Coke, l.* 10. *f.* 99. *Bewſages Caſe.*

Talwood.

T*Alwood* eſt un terme uſe en les Statutes 34 & 35 *H* 8. *c.* 3. & 7 *E.* 6. *c.* 7. & 43 *El. c.* 14. & ſignifie tiel Bois q̃ eſt coup en brief Billets, pur le ſizer des queux ceux Statutes fueront ordeines.

Tam-quam.

CEluy qui ſequitur tam pro Domino Rege quam pro ſeipſo ſur Information p̃ breach de un penal Ley ou Stat. per que le penalty eſt done al party que proſecute.

Tax

Tax & Tallage.

TAx & Tallage ſont paym̃ts, come Diſmes, Quinzilms, Subſid', ou tiels ſẽblables grant al Roy p̃ Parliam̃t.

Les Tenants en Ancient demeſne ſont quites de ceux Taxes & Tallages grants per Parliam̃t; ſinon q; le Roy taxe Ancient demeſne, come il poit quant a luy pleiſt pur grand cauſe. Veies *Ancient demeſne.*

Tenant Paravail.

TEnant Paravail. Veies *Paravail.*

Tender.

TEnder eſt un act fait a ſavet un penalty d'obligation, & des denyers due p̃ rent ou contract devant diſtreſſe ou Action port, & ou doit eſtre plead, & ou refuſal eſt pemptory. Vide *Coke* 1. *Inſtit.* 207, 208, 211, & *Uncore priſt.*

Tenure in Capite.

TEnure en Capite eſt, lou aſc' tient del Roy come de ſon Perſon eſteant Roy, & de ſon Corone, come dun Seigniorie per luy meſme en groſſe, & en chiefe deſuis touts auters Seigniories: Et nemy lou ils tient de luy come de aſcun Mannor, Honor, ou Caſtle, ſinon certaine ancient Honors; ut patet in Scaccario. Veies le Stat. 12 *Car.* 2. *cap.* 14.

Terme dans.

TEner *a terme dans* neſt forſque Chattel en effect; car nul Action eſt maintainable envers Termor q̃it a recoverer le Franktenement, nul Franktenement eſteant en luy. Leaſe a Terme dans eſt Chattel real,

Tax and Tallage.

TAx and Tallage are Payments, as Tenths, Fifteens, Subſidees, or ſuch like, granted to the King by Parliament.

The Tenants in Ancient demeſne are quit of theſe Taxes and Tallages granted by Parliament; except the King to tax Ancient Demeſne, as he may when he thinks good for ſome great Cauſe. See Ancient Demeſne.

Tenant paravail.

TEnant Paravail. See Paravail.

Tender.

TEnder, is an Act done to ſave a Penalty of a Bond, and of Money for Rent or Contract before Diſtreſs or Action brought, and where it may be pleaded, and where refuſal is peremptory. Vide Coke, Inſtitut. 207, 208, 211. *& Uncore priſt.*

Tenure in Capite.

TEnure in Capite is, where any hold of the King as of his Perſon being King, and of his Crown, as of a Lordſhip by it ſelf in groſs, and in chief above all other Lordſhips: and not where they hold of him as of any Mannor, Honor or Caſtle, except certain ancient Honors; which appears in the Exchequer. See the Stat. 12 Car. 2. cap. 24.

Term of years.

TO hold for term of years, is but a Chattel in effect; for no Action is maintainable againſt the Termour for recovery of the Freehold, no Freehold being in him. A Leaſe for Term of years is a Chattel real, and all

Goods

Goods which are removeable are Chattels personal.

Terrar.

TErrar is a Book or Survey containing the several Lands, with their Bounds and Limits of any particular Person, or of Town or Mannour.

Testament.

TEstament is thus defined in Plowden's Commentaries; A Testament is a Witness of the Mind, and is compounded of these two Words *Testatio* and *Mentis*, which so signifie. Truth it is that a Testament is witness of the Mind, but that it is a compound Word Aulus Gellius lib. 6 cap. 12. doth deny to an excellent Lawyer, Servius Sulpitius, and saith, it is a simple Word, as are these, Calceamentum, Paludamentum, Paviamentum, and divers such like. And much less is Agreeamentum, a compound Word of Aggregatio and Mentium, as is said before in the Title of Agreement; for there is no such Latine Word, simple or compound; but it may nevertheless serve well for a Law-Latine Word.

And therefore thus it may better be defined; A Testament is the true Declaration of our last Will, in that we would to be done after our our Death, &c.

Of Testaments there are two sorts, namely, a Testament in Writing, and a Testament in Words, which is called a Nuncupative Testament; which is, when a Man being sick, and for fear lest Death, want of Memory, or speech, should come so suddenly upon him, that he

& touts Biens moveables sont Chattels personal.

Terrar.

T*Errar* est un Livre ou Survey containant le particular Terres deins lour metes & limits de un particular Person ou de un Vill ou Manor.

Testament.

T*Estament* est issint define ou expound en *Plowdens* Commentaries; *Testamentum est Testamentio mentis, & est compound de ceux deux parols*, Testatio & Mentis, *que issint signifie*. Veray il est, que un Testament est *Testatio mentis*, mes q; il est un compound parol, *Aulus Gellius, lib. 6. cap.* 12. denie ceo al un excellent Lawyer, *Servius Sulpitius*, & dit, q̄ il est un simple parol, come sont ceux, *Calceamentum*, *Paludamentum*, *Paviamentum*, & divers tiels semblables. Et mult meins est *Agreeamentum* un compound parol de *Aggregatio* & *Mentium*, com̄ est dit en le Title de *Agreement*; car il ny ad nul tiel *Latine* parol, simple ou compound: mes il poit nient obstant serve bien pur un Ley. *Latine* parol.

Et p̄ c' il poit issint estre melior define; *Testamentum est ultimæ Voluntatis justa sententia, eo quod quis post mortem suam fieri vult*, &c.

De *Testaments* il y ad deux sorts, sc. un *Testament en Escript*, & un *Testament per Parol*, q̄ est appelle un *Nuncupative Testament*; q̄ est, quant un home esteant malade, & pur pavor que mort, ou fault de memorie, ou de parler, voyt venercy sodainment sur luy, que il

serr

ſerra prevent, ſi il demurt le ſcripture de ſon Teſtament, requeſt ſes vicines ou amies de porter teſtmoigne de ſon darreigne Volunt, & donques declare ceo preſentm̃t per parols devant eux, q̃ apres ſon deceaſe eſt prove per Teſtmoignes, & mis en ſcript per le Ordinary, & donques il eſt d̃ cy bone force come ſi c' ad al prim̃ en le vie del Teſtator eſtr̃ mis ē eſcript: except ſolem̃t p̃ Terres, q; ne ſont deviſable forſque p̃ un Teſtament mis en eſcript en la vie del Teſtator.

Per le Stat. 29 *Car.* 2. *cap.* 3. Touts Deviſes de Terres ou Tenements ſerront fait en eſcript & ſign per le Party deviſant ou per aſcun auter en ſon preſence per trois ob quater Teſtmoignes. Et tiel Teſtament ne ſerra revoke ſi non per eſcript ou cancelling de ceo per le Teſtator meſme ou per aſcun auter en ſon preſence per ſon conſent ou direction. Iſſint un Teſtament en eſcript de perſonal Eſtate ne ſerra revoke per parols ſolement ſi non en le vie le Teſtator, ou ſoit miſe en eſcript & lie a luy, & il agree a ceo. Un parol Volunt que vault pluis que 30 *l.* ne ſerra bon ſi ne ſoit prove per le ſerement de Trois Teſmoignes.

shoukd be prevented, if he ſtate the writing of his Teſtament, deſires his Neighbors and Friends to bear witneſs of his laſt Will, and then declares the ſame preſently by Words before them, which after his Deceaſe is proved by Witneſſes, and put in Writting by the Ordinary, and then ſtands in as good force as if it had at the firſt in the Life of the Teſtator been put in Writting except only for Lands, which are not deviſable, but by a Teſtament put in Writting in the Life of the Teſtator.

By the Stat. of 29 Car. 2. cap. 3. All Deviſes of Lands or Tenements ſhall be made in Writting, and ſigned by the Party deviſing, or by ſome other in his Preſence, by three or four Witneſſes. And ſuch Will ſhall not be revoked unleſs by Writting or Cancelling of the ſame by the Teſtator himſelf, or by ſome other in his Preſence, by his Conſent or Direction: So a Will in Writting of a Perſonal Eſtate, ſhall not be revoked by Words only, except in the Life of the Teſtator, or be put in Writting and read to him, and he agrees thereto. A parol Will of above 30 l. ſhall not be good, unleſs it be proved by the Oath of three Witneſſes.

Thanus.

T*Hanus* eſt un parol que aſc' foits implya un Noble hom̃, aſc' foits un Frank-hõe, un Magiſtrate, un Officer ou Miniſter, *Lambert* verbo *Thanus. Skene* dit, que eſt un nom̃ d dignity, & appiert deſtre equal ove le fitz de un Count. Et *Thuanus* fuit un Frank-tenant tiendront ſes Terres del

Thanus.

THanus is a Word which ſometimes ſignifies a Noble-man, ſometimes a Free-man, a Magiſtrate, an Elder or Miniſter, Lambert in the Word Thanus, Skene ſaith, it is a name of Dignity, and appears to be equal with the Son of an Earl. And Thanus was a Free-holder, holding his Lands of the King: and

a man taken with the manner accused of Larceny, no sufficient proof being brought against him, must purge himself by the Oath of 27 Men, or 3 Thanes. The Kings Thanage signifies a certain part of the Kings Lands or Property, whereof the rule and government appertains unto him, who therefore is called Thanus: for the Kings Demains, and the Kings Thanage signifies one and the same thing.

Theftbote.

THeftbote is, when a Man takes any Goods of a Thief, to favor and maintain him: and not when a man takes his own Goods, that were stoln from him. &c.

The punishment in ancient time of Theftbote was of Life and member: But now at this day Stamford saith it is punished by Ransom and Imprisonment. But enquire farther, for I think it is Felony.

Them.

THem, that is, That you shall have all the generations of your Villains, with their Suits and Cattel, wheresoever they shall be found in England, except that if any Bond-man shall remain quiet one year and a day in any Privileged Town, so that he shall be received into their Communalty or Guild, as one of them, by that means he is delivered from Villenage.

Tithes.

TIthes. See Disмes.

Roy: & un hom prise ove le frang accuse de Larcenie, null bon testmoign esteant port vers luy, devoit purger luy m per le ferement de 27 hoes, ou de 3 *Thanes*. *Thanagium Regis* implia un certain pt des Terres le Roy ou propertie, de que le Rule & government appertient a luy, q̄ p̄ ceo est appel *Thanus*; car *Demania Degis & Thanagia* significant un & mesme le chose.

Theftbote.

THeftbote est, quant home prist alcun biens dun Laron, de luy favourer & maintainer: & nemy quant home prist ses biens demesn̄ q; fueront emblees de luy, *&c.*

Le punishment en ancient temps de *Theftbote* fuit de Vie & de member: Mes a ore *Stamf.* dit que il est punish p Ransome & Imprisonment Sed quære, car jeo pense ceo estre Felonie.

Them.

THem, hoc est, Quod habeatis totam generationem Villanorum vestrorum cum eorum Sectis & Catallis, ubiqunque in *Anglia* fuerint inventa; excepto quod si aliquis Nativus quiet p unum annum & diem in aliqua Villa privilegiata manserit, ita quod in eorum Communiam vel Gildam, tanquam unus illorum, receptus fuerit, eo ipso a Villenagio liberatus est.

Tithes.

TIthes. Veies *Disмes.*

Title.

Title eſt, lou loyal cauſe eſt veigne aun home de aver choſe q̃auter ad, & il nad aſcun Action pur ceo; come Title de Mortmain, ou de enter pur Condition enfreinr.

Title de Entre.

Title de Entre eſt, quant un ſeiſie de Terre en ſee fait Feoffment de ceo ſur Cõdition, & le Condition eſt enfreint: apres quel, le Feoffor ad Title de entre en le Terre, & iſſint poit quãt a luy pleiſt, & per ſon Entrie le Frank-tenement ſerra dit en luy maintenant.

Et eſt appel *Title de Entre* pur ceo que il ne poit aver Brief de Droit envers ſon Feoffee ſur Condition, car ſon droit fuit hors de luy per le Feoffment, le quel ne poit eſtre reduce ſans Entr̃, & le Entr̃ doit Eſtr̃ pur le enfreinder de le Condition.

Toft.

Toft eſt un lieu en qne un Meaſe ſuit un foits eſteant, mes eſt ore tout eſchue ou eraſe.

Tol, ou *Tolne.*

Tol ou *Tolne* eſt pluis properment un payment uſe en Cities, Villes, Markets & Fairs, pur biens & catals port la deſtre achate ou vende: & eſt touts foits deſtre pay per le Achatour, & nemy per le Vendor, ſinon que ſoit aſcun Cuſtome al contrarie.

Il y ad divers auters Tols; come *Turn Tol*, que eſt lou *Tol*

Title.

Title is, where a lawful cauſe is come upon a Man to have a thing which another hath, and he hath no Action for the ſame; as Title of Mortmain, or to enter for breach of Condition.

Title of Entry.

Title of Entry is, when one ſeiſed of Land in Fee makes a Feoffment thereof upon Condition, and the Condition is broken; after which, the Feoffor hath Title to enter into the Land, and may ſo do at his pleaſure, and by his Entry the Freehold ſhall be ſaid to be in him preſently.

And it is called Title of Entry, becauſe he cannot have a Writ of Right againſt the Feoffee upon Condition, for his right was out of him by the Feoffment, which cannot be reduced without Entry, and the Entry muſt be for the breach of the Condition.

Toft.

Toft is a place wherein a Houſe once ſtood, but is now all fallen or pulled down.

Tol, *or* Tolne.

Tol, or Tolne, is moſt properly a payment uſed in Cities, Towns, Markets, and Fairs, for Goods and Cattel brought thither to be bought and ſold: and is always to be paid by the Buyer, and not by the Seller, except there be ſome Cuſtom otherwiſe.

There are divers other Tols; as Turn Tol, which is where To

is

is paid for Beasts that are driven to be sold, although they be not sold indeed.

Tol travers is, where one claims to have a half penp, or such like Tol, of every Beast driven over his ground.

Through Toll is, where a Town prescribes to have certain Toll for every Beast that goes through their Town, or for every score or hundred: which seems not to be so unreasonable a Prescription or Custom as some have thought, though it be through the Kings High-way, (as they call it) where every man may lawfully go; if there be one thing or another: As if there be a Bridge, or such like commodity, provided at the Costs and charges of the Town, for the ease of Travellers that drive that way, whereby their Journey is either formed or bettered, why then may not Toll be lawfully and with good reason demanded of them? &c.

But divers Citizens and Townsmen are free from paying Toll by grant to the King or his Ancestors, or do claim the same by Prescription or Custom. So also Spiritual persons and Religious men were quit of paying Toll for their Goods and Merchandizes bought and sold, &c. But now the Statute of 21 H. 8. cap 7. wills that they shall not Merchandize.

Also Tenant in ancient demesne ought to be quit through-out the whole Realm of paying Toll, as appears before in the Title Sockman. And in all cases where Toll is demanded of them that should go, buy, and sell Toll-free, there the party or parties grieved may have a

est pay pur Avers queux sont drives destre vendus, coment que ils ne sont vendus.

Tol travers est, lou un claime daver un ob ou tiel semble Tol, de chescun Beast drive sur son Terre.

Through Tol est, lou un Ville prescribe de aver certain Tol pur chescun Beast que ale through lour Ville, ou pur chescun vint ou cent: q; ne appiert destre cy unreasonable Prescription ou Custome, come aicuns ont suppose, nient obstant il soit per le Hault chimin del Roy, (sicome ils ceo appel) lou chesc' poit loyalm̄t pas, si y ad quid pro quo; Come si la soit un Pont, ou tiel semblable commodity, purvey al costs & charges del Ville, pur le ease d travaiers que chase mesme voy, per que lour journey est ou abridge ou fait le melieur, pur que donques ne poit Tol estre demand loyalm̄t & ove bone reason de eux? &c.

Mes divers Citizens & Burgesses sont quite de payer Tol per le grant del Roy ou ses ancestors, ou claime c' per Prescription ou Custome. Issint auxy Spiritual persons & Religious homes fueront quite de Tol pur lour biens & merchandizes achate & vendus, &c. Mes ore le Statute del 21. H. 8. c. 13. voit que ils ne merchandisera.

Item Tents en ancient demesne doient estre quite per toute le Realme d payer Tol, cō appiert devāt en le Title *Sockman*. Et en touts cases ou Tol est demand de eux q; doyent aler, achate, & vende quite de Tol, la le party ou parties greeve poyent aver

un Brief *De essendo quietum de Tolonio*, direct a luy ou ceux que issint demand Tol contra al grant le Roy ou ses progenitors, ou contra al Custome ou Prescription.

Writ De essendo quietum de Tolonio, directed to him or them that so demand Toll contrary to the grant of the King or his Progenitors, or contrary to Custom or Prescription.

Tolt.

TOlt (*Tolta*) venust del *Latin tollo*, & est un Brief p que un Cause dependant en un Court-baron poit estre illonques remove en le County Court devant le Viscount. Veies de ceo *Fitz. Nat. Brev. fol.* 3. *F.* & *Veil. N. B. fol.* 2. *a.*

Tolt.

TOlt comes from the Latin tollo, and is a Writ by which a Cause depending in a Court-baron may be from thence removed into the County Court before the Sheriff. See of this Fitz. Nat. Brev. fol. 3. F. and Old Natura Brevium, fol. 2. a.

Tonnage.

TOnnage est un Custom̃ ou Impost pay al Roy pur merchandize import ou export en *Tuns*; ou atc' tiels vessels, solonq; un certain rate en chesc' Tun. Et de c' poies lier en les Statutes de 12 *E.* 4. *c.* 3. 6 *H.*8. *c.* 14. 1 *E.* 6. *c.* 13. & 1 *Jac. c.* 33. mes especialment 12 *Car.* 2. *c.* 4.

Tonnage.

TOnnage is a Custom or Impost paid unto the King for Merchandize carried out or brought in in Tuns, or such like Vessels, according to a certain rate in every Tun. And of this you may read in the Statutes of 12 E. 4. cap 3. 6 H. 8. c. 14. 1 E. 6. c. 13. and 1 Jac. c. 33. but especially 12 Car. 2. cap. 4.

Totted.

TOtted est un term̃ use en le Statute de 42 *E.* 3. *cap.* 9. & signifie un Note destre fait en le Rolle des Estreats q; issui hors del Exchequer al Visc', des touts riels Debts come sont payes al Visc' issint q; ne poyẽt estr̃ out' fouts demand del party, ne le Roy deceive. Veies le Statute.

Totted.

TOtted is a term use in the Statute of 42 E. 3. c. 2. and signifies a Note to be made in the Estreat-Roll that goes out of the Exchequer to the Sheriff, of all such Debts as are paid unto the Sheriff, so that they be not again demanded of the party, nor the King deceived. See the Statute.

Transcript.

TRanscript, ceo p'uis comunem̃t signifie le certification d'un Record sur Brc d' Error hors de B. le Roy en *Ireland* en B. R. en *Angl'*, & de cel Court en la Court de Exchequer Chambr', car le Re-

Transcript.

TRanscript, this most common ly signifies the certificatio of a Record upon a Writ Error from the Kings Bench Ireland unto the K. B. in En land, or from that Court un the Exchequer Chamber, f

the Record it ſelf is not certified, but a Tranſcript: But out of C. B. and other inferior Courts, the Record is quite taken away by the Writ of Error, and remains in B. R. Co. Ent. 2. 24, 37.

cord meſme neſt certifie, mes un tranſcript: Mes hors de C. B. & auters inferior Courts le Record, eſt tout ouſtrement toll p le Bre d' Error, & remain in B. R. *Coke Entr.* 2, 24, 37.

Travers.

TRavers ſometimes ſignifies to Deny, ſometimes to Overthrow or undo a thing done. For the firſt, Weſtm. p. 2. ſect. 54. ſpeaking of an Anſwer to a Bill in the Chancery, ſaith, It is that which the Defendant pleads or ſaps in bar to avoid the Plaintiffs Bill or Action, either by confeſſion and avoiding, or by denying and traverſing the material points of it: And again, Sect. 55. A Replication is the Plaintiffs ſpeech or reply to the Defendant's Anſwer, which muſt affirm and purſue his Bill, and confeſs, and avoid, deny or traverſe the Defendant's Anſwer; and the formal words of this Traverſe are, Without that, or in Latin, Abſque hoc. See Kitch. fol. 227.

The other ſignification is found in Stamf. Prerog. cap. 20. the whole Chapter, who ſpeaking of Traverſing an Office, ſaith, That it is nothing elſe, but to prove that an Inquiſition taken of Goods or Lands by the Eſcheator is defective, and untruly made. So Traverſing an Indictment is, to take Iſſue upon the chief matter of it which is nothing elſe but to make contradiction or deny the point of the Indictment; As in a Preſentment againſt A. for a High-way overflown with Water, for default of ſcowring of a Ditch which he

Travers.

TRavers aſc' ſoits implia a Denyer, aſcun ſoits a Subverter ou defaire un choſe fait. Pur le prim, *Weſtm. p. 2. ſect.* 54. parlante d'un Reſpons a un Bill en le Chācery, dit, Que il eſt c' q̄ le Defendant pleade ou dit en barre de avoider le Bill del Pl' ou Action, ou p confeſſion & avoydance, ou per deniant & traverſant des material points du ycel: Et arere *Sect.* 55. un Replication eſt le parlance del Pl' ou Reply al Reſpons del Defendant, q̄ doit de affirmer & purſuer ſon Bill, & conuſtre, & avoyder, denyer, ou traverſer le Reſpōs del Defendant; & les formal parols de ceſt Travers ſont, *Sans ceo*, ou en *Latin*, *Abſque hoc.* Veies *Kitch. fol.* 227.

L'auter ſignificatiō eſt trove en *Stamf. Prerog. cap.* 20. per tout le Chapter, que perlāt del *Traverſing d' un Office*, dit, Que c' eſt riens auter forſque approver que un Inquiſition fait de biens ou terres per le Eſchearor eſt defective, & fauxment fait Iſſint *Traverſing d' un Indictment* eſt, a prender Iſſue ſur le prim matter du ycel, que eſt riens auter que a faire contradiction, ou denyer le point dl Endictment: Com en Preſentment vers *A.* pur un Hault chimin ſurround ove eau, pur defaulte de eſcourance d'un Foſſe q; il &

ceux q; Eſtate il ad en certain Terres la ont uſe d' eſcowrer & clenſer, *A* poit *traverſer* ou le matter, ceſt adire, Que la neſt aſc' Hault chimin la, ou que le Foſſe eſt ſufficient eſcowre, ou auterment il poit ſ averſer le Cauſe, Que il nad le Terre, &c. ou que il & ceux que Eſtate, &c. ont uſe de eſcowrer le Foſſe, *Lambert Eirenarch. lib.* 4. *pag.* 521. de *Travers.* Veies tout le Chapter en *Kitch. fol.* 240. & le *Veil Livre de Entries*, verbo *Travers.*

and they whoſe Eſtate he hath in certain Land there have uſed to ſcowre and cleanſe, A may traverſe either the matter, that is to ſay, That there is not any High-way there, or that the Ditch is ſufficiently ſcowred; or otherwiſe he may traverſe the Cauſe, That he hath not the Land, &c. or that he and thoſe whoſe Eſtate, &c have uſed to ſcowre the Ditch, Lamb. Eiren. lib. 4. pag. 521. of Travers. See the whole Chapter, Kitch. fol. 240. and the Old Book of Entries, the word Travers.

Treaſon.

TReaſon eſt en deux manners, ceſtaſcavoire, *hault Treaſon*, & *petit Treaſon*, com eſt ordeine per les Statutes. Et ideo vide Statuta, & *Stamford, lib.* 1. *cap.* 4.

Treaſon.

TReaſon is in two manners, that is to ſay, grand Treaſon, and petit Treaſon, as it is ordained by the Statutes. And therefore look the Statutes, and Stamford, lib. 1. cap. 2.

Treaſure trove.

TReaſure trove eſt, quant aſc' Money, Ore, Argent, Plate, ou Bullion eſt trove en aſc' lieu, & nul conuſt a que le property eſt; donques le property de c' appertient al Roy. Mes ſi aſcun Mineral de Metal ſoit trove en aſcun terre, ceo touts foits pertinent al Seignior del Soile, ſeſq; que il ſoit Mineral del Ore ou Argent, queux ſeroit touts foits al Roy, en quecunque terre ſoit trove.

Treaſure trove.

TReaſure trove (i. Treaſure found) is, when any Money, Gold, Silver, Plate or Bullion is found in any place, and no man knows to whom it belongs; then the Property thereof appertains to the King. But if any Mine or Metal be found in any ground, that alway pertains to the Lord of the Soil, except it be a Mine of Gold or Silver, which ſhall be alway to the King in whoſe ground ſoever it be found.

Trebuchet.

TRebuchet ou *Tribuch* eſt un Tumbrel ou Cucking-ſtool.

Trebuchet.

TRebuchet, or Tribuch, is a Tumbrel or Cucking-ſtool.

Treſpaſs.

TRanſgreſſion eſt un Brief ou Action de Treſpas. de queux la ſont deux ſorts.

Treſpaſs.

TReſpaſs is a Writ or Action of Treſpaſs, whereof there are two ſorts. The one

Vicountiel,

Vicountiel, so called, because it is directed to the Sheriff, and is not Returnable, but to be determined in the County: The Form whereof differs from the other, because it hath not these words, Quare vi & armis, &c. Fitz. N. B. fol. 85. g. The other is directed to the Sheriff also but is returnable in the Kings Bench or Common Pleas, and hath always in it these words, Quare vi & armis, or else it shall abate, as it appears in Firz. N. B. fol. 86. h; if it be not a Trespass upon the Case, and then the words Vi & armis are left out, and in lieu thereof the Writ shall say in the end of it, Contra pacem, &c. as appears in Fitz. Nat. Brev. fol. 92. c. And yet in some cases Trespass upon the Case shall be Vi & armis also, though not in the point of the Action, or the causa causata, yet in the Conveyance to the Action, or the causa causante, as is well distinguisht in the Count de Salop's Case, in Coke lib. 9. fol. 50. b.

L' un *Vicountiel*, issint appel, pur ceo q̄ il est direct al Visc', & nest returnable, mes dest̄ determine en le Countie: Le forme de q; differt dl auter, p̄ c' que nad ceux parols, *Quare vi & armis, &c. F. N. B. fol.* 85. *g.* L' auter est direct al Visc' auxy, mes est returnable en Bank le Roy ou le Common Bank, & avoit touts foits en ceo ceux parols, *Quare vi & armis*, ou auterment il abatera, come appiert en *Fitz. N. B. fol. 86. h.* unon que soit un Trespasse sur le Case, & adonq' les parols, *Vi & armis* sont waive hors, & en lieu d'eux le Brief dirra en le fine de c', *Contra pacem, &c.* come appiert en *F. N. B. fol.* 91. *e.* Et uncore en ascuns cases Tresposse sur le Case serra *Vi & armis* auxy, coment qne nemy en le point del Action, ou le *causa causata*, uncore en le conveyance al Action, & le *causa causante*, come est bien distinguish ē le *Count de Salops Case, in Coke, l.* 9. 50. *b.*

Trial.

TRial, there are many kinds of it: as of matters in Fact, which shall be tried by the Jurors: matters in Law, by the Justices; matters of Record, by the Record it self. A Lord of Parliament, upon an Indictment of Treason or Felony, shall be tried by his Peers, without any Oath, upon their Honors and Allegiance; but in Appeal at the Suit of any Subject they shall be tried per probos & legales homines. If Ancient Demesne be pleaded of a Mannor, and denied, this shall be tried by the

Trial.

TRial, sont plusors manners d ceo: come des matters en fact, que serront trie p les Jurors; matters en Ley, per ler Justices; matters de Record, per Record m̄. Un Seignior de Parliament, sur Indictment de Treason ou Felonie, serra trie per sur Peers, sans ascun Serement, sur lour Honours & Allegiances; mes en Appeale al Suit de ascun subjects ils serra trie *pre probos, & legales homines.* Si Ancient Demesne soit pleade de un Mannor, & denie, c' serra trie per le Record del

Livre de *Doomſday* en l' Eſchequer. Un Apoſtata ſerra certifie per le Abbot ou auter Religious Governour a que il doit Obedience. General Baſtardie, Excommengement, Loyaltie de Matrimonie, Profeſſion, & divers auters matters Eccleſiaſtical, ſerront tries per le Certificate del Eveſque. Et un grand number des auters *Trials* la ſont, de queux veies *Coke lib.* 9. le Caſe d̄ le Abbot del *Strata Marcella, fol.* 23.

Per teſtes *De morte viri* in Dower, ou le Tenāt plead q̄ le Baron del Demandant eſt vivant. *Raſt. Entr.* 228.

Record of the Book of Doomſday in the Exchequer. An Apoſtata ſhall be certified by the Abbot or other Religious Governor to whom he owed Obedience. General Baſtardy, Excommengement, Lawfulneſs of Marriage, Profeſſion, and divers other matters Eccleſiaſtical, ſhall be tried by the Biſhop's Certificate. And a great number of other Trials there are, whereof ſee Coke lib. 9. the Caſe of the Abbot of Strata Marcella, fol. 23.

By Witneſſes De morte viri in Dower, where the Tenant pleads, That the Husband of the Demandant is alive. Raſ. En. 228.

Triours.

TRiours ſont ceux qui ſont eleſt per le Court dè examiner ſi le Challenge fait al Panel, ou aſcun de eux ſoit voier ou nemy, *Bro. Tit. Challenge* 122, *& Vet. N. B.* 158.

Triours.

TRiours are ſuch who are choſen by the Court to examine whether the Challenge made to the Panel, or any of them be true or no, Bro. Tit. Challenge 122, & Old Nat. Brev. 158.

Tronage.

TRonage, eſt un certaine Toll prile p̄ Weighing *Weſtm.* 2. *c.* 25. & 13 *Edw.* 1.

Tronage.

TRonage is a certain Toll taken for Weighing. Weſtm. 2. cap. 25. & 13 Edw. 1.

Trover.

TRover eſt un Action que home ad vers un auter, que aiant trove aſcun de ſes biens, refuſa a deliver eux ſur demande. Veies le *Veil Livre de Entries*, parol *Trover.*

Trover.

TRover is an Action which a Man hath againſt another, that having found any of his Goods refuſes to deliver them upon Demand. See the Old Book of Entries, word Trover.

Tumbrel.

TUmbrel, veies en le Title *Cuckingſtool*; & veies le Statute de 51 *H.* 3. *c.* 6. pur le uſe de ceo.

Tumbrel.

TUmbrel, ſee in the Title Cuckingſtool; and ſee the Statute of 51 H. 3. cap. 6. for the uſe of it.

Turbary.

TUrbary, (from the old Latine Word Turba, which was used for a Turf) is an interest of digging Turfs upon a Common: And you shall find an Assise brought of such a Common of Turbary, in 5 Ass. pl. 9. & 7 E. 3. fol. 43. b.

Sheriffs turn.

SHeriffs Turn, is a Court of Record in all things that pertain to the Turn, and it is the King's Leet through all the County, and the Sheriff is Judge. And whosoever hath a Leet, hath the same Authority within the Precinct as the Sheriff hath within the Turn.

This Court is to be kept twice in every year, once after Easter, and again after Michaelmas, and that within one Month after each Feast, Anno 31 Edw. 3. cap. 15. From this Court are exempted only Archbishops, Bishops, Abbots, Priors, Earls, Barons, all Religious Men and Women, and all such as have Hundreds of their own to be kept. This Court is appertaining and incident to the Office of the Sheriff, and ought not to be reserved therefrom; and the Sheriff is to appoint Clerks under him in this Court, such as he will at his peril answer for: But he cannot prescribe to take any thing for the keeping of his Turn, because he is an Officer removeable. See Coke, l. 4 33. & l. 6. 2. and Dalton's Book of Sheriffs, tit. Sheriffs Turn.

Turbary.

T*Urbary*, (*Turburia*, del vieux *Latin* pol *Turba*, q̄ fuit use pur un *Turf*) est un interest de foder *Turfs* sur un Common: Et trovers un Assise port dun tiel Common de *Turbary* en 5 *Assise*, *pl.* 9. & 7 *E.* 3. *fol.* 43. *b.*

Turne del Viscount.

T*Urne del Viscount* est un Court de Record en toute choses q; ptain al *Turn*, & est le Leet le Roy per tout le Countie, & le Visc' est Judge. Et quecunque ad un Leet, ad meisme le authority deins le Precinct sicome le Viscount ad deins le *Turne*.

Ceste Court est destre renus deux foits chescun an, un foits apres Pasche, & arere puis Michaelm̄, & c' deins un mois apres chesc' Feast, *An.* 31 *E.* 3. *cap.* 15. De ceste Court sont exempt solement Archievesques, Evesques, Abbots, Priors, Countes, Barons, Religious homes & femes, & touts ceux queux ont Hundreds de lour demesne destre tenus. Ceste Court est apperteinant & incident al Office dl Visc' & ne deit estre sever de ceo; & le Visc' est de constituer Clerk south luy ē c' Court, tiels p̄ que il voile a son peril responder: Mes il ne poit pscriber de prender ase' chose p̄ le tener d̄ son *Turne*, p̄ ceo que il est un Officer removeable. Veies *Coke l.* 4 33. & *l.* 6. 12. & *Daltons* Livre de Viscounts, *tit Sheriffs Turne.*

V.

Vacation.

V *Acation.* Veies *Plenartie.*

Vagabonds.

V *Agabonds*, ſont idle & inutile homes, puniable per Stat. 39 *El.* 4. & 1 *Jac.* 7. & 25.

Value del Marriage.

V *Alore Maritagii* eſt un Bꝛe que giſoit pur le Sñr vers ſon Gard, p̄ recover vers luy le Value de ſon Marriage a ſon plein age, p̄ ceo que ne fuit marrie p̄ ſon Sñr deins age. Et ceo Bꝛe giſoit coment que le Seignior ne unques tender al Gard aſcun convenable Marriage. Veies *Palmers Caſe*, *Coke l.* 5. *f.* 126. *b.* & le Stat. 12 *Car.* 2. *c.* 24.

Venditioni exponas.

V *Enditioni exponas*, eſt un Judicial Breif direct al Viſcount a vender biens ſeize p̄ un *Fieri facias.*

Venew.

V *Enew* (*Vicinetum*) eſt un terme uſe en le Stat. d̄ 35 *H.* 8. *c.* 6. & frequentm̄t ē ñre Livres, & ſignifie un lieu *prochein* a ceo lou aſcun choſe q; venuſt deſtre trie eſt ſuppoſe deſtre fait. Et pur ceo pur le melior diſcoverie del veritie del matter en fait ſur cheſc' Trial, a'cun des Jurors ſergont del meſme le Hundred, ou alc' ſoits de meſme le Parith ou *Neighbourhood*, en que le choſe eſt ſuppoſe deſtr̄ fait,

V.

Vacation.

V Acation. See Plenartie.

Vagabonds.

V Agabonds, are idle and unprofitable Men, puniſhable by the Statute 39 Eliz. 4. & 1 Jac. 7. & 25.

Value of Marriage.

V Alore Maritagii is a Writ that lay for the Lord againſt his Ward, to recover againſt him the Value of his Marriage at his full Age, for that he was not Married by his Lord within Age. And this Writ lay, although the Lord never tendered unto the Ward any convenient Marriage. See Palmer's Caſe Coke l. 5. f. 126. b. and the Stat 12 Car. 2. c. 24.

Venditioni exponas.

V Enditioni exponas, is a Judicial Writ directed to the Sheriff, to ſell Goods ſeiſed by a Fieri facias.

Venew *or* Viſne.

V Enew, or Viſne, is a term uſed in the Statute of 35 H. 8. c. 6. and often in our Books, and ſignifies a Place next to that where any thing that comes to be tried is ſuppoſed to be done. And therefore for the better Diſcovery of the Truth of the matter in Fact upon every Trial, ſome of the Jury muſt be of the ſame Hundred, or ſometimes of the ſame Parith or Neighbourhood, in which the thing is ſuppoſed to be done, who

who by Intendment may have the beſt Knowledge of the matter. See Coke, 6 Book, f. 14. a. Arundel's Caſe.

Venire facias.

VEnire facias, it is a Proceſs directed to the Sheriff, or to the the Coroners (if the Sheriff be challenged) to ſummon a Jury to try an Iſſue joined between party and party, or the King and a Subject; and it is alſo a Proceſs upon an Audita Querela, or upon an Indictment in the King's Bench, or Venire facias ad computandum, againſt Tenant by Elegit.

Verdict.

VErdict is the Anſwer given to the Court by the Jury, of any Cauſe Civil or Criminal committed to their Tryal: And is either General or Special: General when they give their Verdict in General Terms according to the Iſſue; Special when they find it at large according to the Evidence given, and thereupon pray the Direction of the Court, as to what the Law is in ſuch Caſe.

Verderor.

VErderor is an Officer in the King's Foreſt, choſen by the Free-holders of the County where the Foreſt is, by a Writ directed to the Sheriff to do it, as appears by the Books of the Regiſter, and of the Nature of Writs: And they are called in Latine, Viridarii, of the word viridis, in Engliſh Green, in French Verd; for a great part of their Office is touching the Verd, to wit, the Wood and Graſs growing in the Foreſt; for which ſee more in the Charter and Laws of the Foreſt.

queux per entendment poient aver le melieux conuſance di choſe. Veies *Arundels Caſe*, Coke, *l.* 6, *f.* 14. *a.*

Venire facias.

V*Enire facias* eſt un Proces direct al Viſcount, ou as Coroners (ſi le Viſcount eſt challenge) a ſummon un Jury a tryer un Iſſue joine penter partie & partie, ou le Roy & un Subject; & eſt auxy un Proces ſuper *Audita Querela*, ou ſur Indictment en Bank le Roy, & *Venire facias ad computandum* vers Tenant per *Elegit*.

Verdict.

V*Erdict* eſt le reſponſe done al Court per le Jury de aſcun Cauſe civil ou criminal commit a lour Trial. Et eſt ou General, ou Special. General quant ils donant lour Verdict en general terms accordant al Iſſue. Special, quant ils troyant ceo al large puſuant al Evidence done, & done ils priont le direction del Court le quel le Ley eſt en tiel caſe.

Verderor.

V*Erderor* eſt un Officer ẽ les Forreſts del Roy, eſlieu p les Franktenants del Countie lou le Forreſt eſt, p Brief direct al Viſc' d c' faire, come appiert per les Livres del *Regiſter*, & del *Nature des Briefs*: & ſont appelles en *Latine Viridarii*, de le parol *Viridis*, en *Anglois* Green, en *Francois Verd*; car un grand pt de lour Office eſt touchant le *Verd*, ceſtaſcavoir, le Boies & Herbes creſſant en le Forreſt; p quel veies pluis en le Charter & Leys del Forreſt.

Verge.

Verge.

VErge eſt le Compaſs environ le Court le Roy q̄ limit le Juriſdiction del Seignior Seneſchal & del Coroner del Hoſtel le Roy iſſint q' il ne poit intermeddle deins le Countie hors del Verge, p̄ ceo que ſon Office ne extende a ceo ; come le Coroner del Countie ne intermedlef deins le *Verge*, que eſt exempt hors de ſon Office p̄ le Common Ley. Et ſemble enconter reaſon, que lour Offices & Juriſdictions eſteant ſeveral, l'un intermedlera deins le Juriſdiction del auter. Et cel *Verge* ſemble deſtre douze milliaries. Veies 13 *R.* 2. *Stat.* 1. *c.* 3. *F. N. B. f.* 241. *Britton, f.* 86. *Fleta, l.* 2. *c.* 2. *Coke, l.* 4. *f.* 46. 33 *H.* 8. *c.* 12.

Verge en un auter ſignification eſt uſe p̄ un Stick ou Rod p̄ que un eſt admit Tenant & tiendront ceo en ſon maine, fait Serement de Fealtie al Seignior del Mannor, & pur ceo eſt appel *Tenant per le Verge.* Veies *Veil. N. B f.* 17. *& Littl. l.* 1. *c.* 10.

Vert.

VErt venuſt de *Francois Verd*, & ſignifie oveſque nous en les Leys del Forreſt cheſcun choſe que creſce & port un fueille *verde* deins le Forreſt : & eſt divide en *over Vert* & *nether Vert*. *Over Vert* eſt le Hault Bois, & *nether Vert* eſt le South Bois. La eſt auxy en Forreſts un Vert appel *ſpecial Vert*, & c'eſt touts Arbres creſcants en les demeſne Bois le Roy deins le Forreſt, & touts Arbres queux creſcõt icy en les Bois des aut's,

Verge.

VErge is the Compaſs about the Kings Court, their Bounds, the Jurisdiction of the Lord Steward, and of the Coroner of the Kings Houſe, ſo that he cannot intermeddle in the County forth of the Verge, becauſe his Office extends not thereunto ; as the Coroner of the County cannot intermeddle within the Verge, which is exempted out of his Office by the Common Law. And it ſeems againſt Reaſon, that their Offices and Juriſdictions being ſeveral, ſhould intermeddle one within the Juriſdiction of the other. And this Verge ſeems to be twelve Miles. See 13 R. 2. Stat. 1 c. 3. F. N. B. f. 241. Britton f. 86. Fleta, l. 2. c. 2. Coke, l. 4 f. 46. 33 H. 8. c. 12.

Verge in another Signification is uſed for a Stick or Rod by which one is admitted Tenant, and holding it in his hand, takes the Oath of Fealty to the Lord of the Mannor, and for that Cauſe is called Tenant by the Verge. See Old N. B. f. 17 & Littl. l. 1. c. 10.

Vert *or* Verd.

VErt comes of the French Verd, and ſignifies with us in the Forreſt Laws every thing that doth grow and bears a green Leaf within the Forreſt : And it is divided into Over Vert and Neather Vert. Over Vert is the Great Woods, and Neather Vert is the Under Woods. There is alſo in Forreſts a Vert called Special Vert, and that is all Trees that grow in the King's own Woods within the Forreſt; and all Trees that grow there in other Mens Woods,

if they be ſuch Trees as bear Fruit to feed the Deer: which are called Special Vert, becauſe the deſtroying of ſuch Vert is more grievouſly puniſhed than the deſtruction of other Vert is. See Manwood's Forreſt Laws, c. 6. f. 52. a.

Vetitum namium.

VEtitum namium. See Withernam.

Vicar.

THe Prieſt of every Pariſh, where the Predial Tithes are impropriated, is called Vicar, quaſi vice fungens Rectoris.

Vicountiels.

VIcountiels are Farms ſo called, for which the Sheriff pays certain Rent to the King, and makes the beſt profit he can of them. See the Stat. 33 & 34 H 8. c. 16.

View.

VIew is, when an Action real is brought, and the Tenant knows not well what Land it is that the Demandant asks; then the Tenant ſhall pray the View, that is, that he may ſee the Land which he claims. But if the Tenant hath had a View in one Writ, and after the Writ is abated in miſnaming the Town, or by Jointenure, and after the Demandant brings another Writ againſt the Tenant; then the Tenant ſhall not have the View in the ſecond Writ.

View of Flank pledge.

VIew of Frank pledge (Viſus franci plegii) is the power to hold a Turn or Leet, in which

Vetitum namium.

V*Etitum namium.* Veies *Withernam.*

Vicar.

LE Prieſt de aſcun Pariſh, lou les predial Diſmes ſont impropriate, eſt appel Vicar, *quaſi vice fungens Rectoris.*

Vicountiels.

V*Icountiels* ſont Fermes iſſint appelle, pur quel le Viſc' paye certein Rent al Roy, & fait le melieur profit d ceux q̄ il poit. Veies le Stat. 33 & 34 *H.* 8. *c.* 16.

View.

V*Iew* eſt, quant aſcun Action real eſt port, & le Tenant ne ſcavoit bien quel Terre il eſt que le Demandant demand; donques le Tenant priera le *View*, ſc. que il poit *veier* le Terre q̄ il claima. Mes ſi le Tenant ad ew le *View* en un Brief, & puis le Brief eſt abatus per miſnoſmer de la Ville, ou pur Joyntenure, & puis le Demandant port un auter Brief vers le Tenant; donques le Tenant navera le *View* en le ſecond Brief.

View de Frank pledge.

V*Iew de Frank pledge* (*Viſus franci plegii*) eſt le poyar de ten̄ un Tourn̄ ou Leet, en queux

queux Courts cheſc' Frãke-hõe en ancient temps deveigne lye ove Sureties al age de 14 ans pur ſon Fidelitie al Roy & ſes ſubjects. Et ſur ceo ceux Courts fueront appels le *View de Frank pledges*, ceſtaſcavoir, des tiels Frank-homes queux deveignont icy Pledges ou Sureties l'un p̃ l'auter. Veies *Deciners*.

Courts every Free-man in ancient time became bound with Sureties at the Age of fourteen years for his Truth to the King and his Subjects: and thereupon thoſe Courts were called the View of the Free Pledges, that is, of ſuch Freemen as were Pledges or Sureties one for another. See Deciners.

Vi Laica removenda.

V*I Laica removenda* eſt un Brief que giſt lou Debate eſt perenter deux Parſons ou Proviſors d'un Eſgliſe, & l'un enter en l'Eſgliſe ove grand power d̃ Lay-hões, & tient l' auter dehors ove force & arms; celuy q; eſt tenus dehors aver̃ le dit Brief direct al Viſc', que il remova ceſt power que eſt deins l'Eſgliſe: & ſerra command al Viſc', q̃ ſil trove aſc' hões luy reſiſtant, q̃ il p̃ndra oveſque luy la Poyar de ſon Countie, ſi beſoigne ſoit, & ſerra attache per lour corps touts ceux luy reſiſtants, & les mittera en priſon, iſſint q̃ il eyt lour corps devant le Roy a certeine jour, de reſponder del Contempt. Et ceſt Brief eſt retournable, & ne ſerra grant, devant que l' Eveſque del lieu lou tiel Eſgliſe eſt eyt certifie en le Chancerie tiel Reſiſtence & Force.

Vi Laica removenda.

VI Laica removenda is a Writ that lies where Debate is between two Parſons or Proviſors for a Church, and one of them enters into the Church with great power of Lay-men, and holds the other out with Force and Arms; he that is holden out ſhall have this Writ directed to the Sheriff, that he remove the Power which is within the Church; and the Sheriff ſhall be commanded, that, if he find any Men him withſtanding, he take with him the Power of his County, if need be, and arreſt the Bodies of all thoſe that reſiſt, and put them in Priſon, ſo that he have their Bodies before the King at a certain Day, to anſwer the Contempt. And this Writ is returnable, and ſhall not be granted, before the Biſhop of the place where ſuch Church is, hath certified in the Chancery ſuch Reſiſting and Force.

Villein & Villeinage.

TEner en pure *Villeinage* eſt, a faīr tout ceo que le Sīr luy voit commander.

Le diviſion de *Villeinage* eſt, *Villeine de ſanke*, & *de tenure*. Et il eſt *Villein* de que ſon Sīr prent Redemptiõ de la file marrier, & ſoy meſm̃ enfranchiſe: & le Seignieur puit luy ouſte de ſes

Villain *and* Villainage.

TO hold in pure Villainage is, to do all that the Lord will him command.

The Diviſion of Villainage is, Villain of Blood, and of Tenure. And he is a Villain of whom the Lord takes Redemption to marry his Daughter, and to make him Free: And it is he whom the

Lord

Lord may put out of his Lands or Tenements at his will, and also of all his Goods and Chattels.

A Sockman is no pure Villain, nor does a Villain owe Ward, Marriage, or Relief, nor does he any other Services real.

Tenure in Villainage shall make no Freeman Villain, if it be not continued time out of mind: nor shall Villain Land make a Free-man Villain, nor Free-land make Villain Free; except the Tenant have continued Free beyond the time of memory.

But a Villain shall make Free-land Villain by Seisin, or by Claim of the Lord.

If a Villain purchase Land, and take a Wife, and alien, and dies before the Claim of Seisin of the Lord, the Wife shall be endowed.

In case the Lord bring a Præcipe quod reddat, against the Alienee of his Villain, who vouches to warrant the Issue of the Villain which is Villain to the Lord, he shall have the Voucher. And by protestation the Lord may (notwithstanding he plead with his Villain) save his Villain from being infranchised.

A Bastard shall not be judged Villain, but by Knowledge in Court of Record.

If Debt be due by a Lord to a Free-man, and he makes two Men his Executors who are Villains to the said Lord, and die, the Villains shall have an Action of Debt against their Lord. And notwithstanding that he plead with them, and if he make Protestation, they shall not be thereby infranchised; for that they are to recover the Debt to the use of

Terres ou Tenements a sa Volunt, & auxy de touts ses Biens & Chateux.

Sockman nest pas peur Villein, ne Villein doit pas Garde, Marriage, ne Relief, ne fait auters Services reals.

Tenure en *Villeinage* ne ferra Frank-home Villein, sil ne soit continue ouster le tẽps de memory: ne Villein terre ferra Frank-home Villein, ne frank terre ferra Villein frank; sinon que le Tenant avoit cõtinue frank ouster le temps de memory.

Mes un Villein ferra Frank terre villein per Seisin, ou per Claime de son Seignior.

Si Villein purchase Terre, & prent feme, & alien, & devy devant le Claime ou Seisin de son Seigniour, la feme serra endowe.

En case le Seigniour port *Præcipe quod reddat* envers le Alienee son Villein, le quel vouch a garranter le issue de le Villein q̃ est Villein al Seigniour il avera le Voucher. Et per protestation le Seigniour poit (non obstant que il plede ove son Villein) save que son Villein ne serra my enfranchise.

Bastard ne serra jammes adjudge Villein, sinon p̃ conusans en Court de Record.

Si Det soit due per un Sñr a un Frank home, & il face deux homes ses Executors les queux sont Villeins al dit Seigniour, & devie, les Villeins averont Action de Det envers lour Seigniour. Et nient obstant que il plede ovesque eux, & il face protestation, ils ne serront pur tant enfranchise; pur ceo que ils sont de recover le Det al use de un

after

auter perſon, ceſtaſcavoir, lour, Teſtatour, & nient a lour uſe demeſne.

Et cy le Tenant en Dower eyt un Villein, le quel purchaſe certain Terre en fee, & puis le Tenant en Dower enter ; el avera le Terre a luy & ſes heires a touts jours. Et meſme le Ley eſt de Tenant a terme de ans de un Villein.

Le Seigniour poit rob, naufrer, & chaſtiſer ſon Villein a ſon volunt : ſalve que il ne poit luy maim, car donques il avera Appel de maihem envers luy.

Un Villein poit aver trois Actions envers ſon Seigniour ; ceſtaſcavoir un Appeale de mort ſon anceſtor, un Appeale de Rape fait a ſa feſm, & un Appeale d maime.

Si deux Parceners port Brief de *Nieſty*, & l'un de eun ſoit Nonſuit, le Nonſuit de luy ſerra adjudge le Nonſuit d ambideux, iſſint q; ſi le Nonſuit ſoit aps Appearance, ils ſerront barre de ceſt Actiõ a tous jours ; car le Ley eſt tiel *in favorem Libertatis*.

Si deux ount un Villein en common, & l'un d eux fait a luy Manumiſſion, il ne ſerra my infranchiſe envers ambideux.

En Brief *de Nativo habendo*, il covient que le Sñr monſtre coment le Defendant aveigne privy de ſank a celuy Villein de que il eſt Seigniour, *&c.* Et ſi il ne nul de ces anceſtors ne ſoit ſeiſie de nul de ſon ſanke, il ne gainera per ſon Action, ſi le Villein nad pis conus en Court de Record luy eſtre ſon Villein.

another perſon, that is to ſay, their Teſtator, and not to their own uſe.

And if the Tenant in Dower have a Villain who purchaſes certain Land in Fee, and after the Tenant in Dower enters; ſhe ſhall have the Land to her and her Heirs for ever. And the ſame Law is of Tenant for term of years of a Villain.

The Lord may rob, beat, and chaſtiſe his Villain at his Will: ſave only that he may not maim him, for then he ſhall have an Appeal of Mayhem againſt him.

A Villain may have three Actions againſt his Lord; that is to ſay, an Appeal of the death of his Anceſtor, an Appeal of Rape done to his Wife, and an Appeal of Miahem.

If two Parceners bring a Writ of Nieſty, and one of them be Nonſuit, the Nonſuit of him ſhall be judged the Nonſuit of both, ſo that if that Nonſuit be after Appearance, they ſhall be barred from that Action for ever; for ſuch is the Law in favor of Liberty.

If two have a Villain in common, and one of them makes him a Manumiſſion, he ſhall not be made free againſt both.

In a Writ de Nativo habendo, it behoves that the Lord ſhew how the Defendant comes to be privy of the Blood of the Villain of whom he is Lord, &c. And if he nor any of his Anceſtors were ſeiſed of any of his Blood, he ſhall not gain by his Action, if the Villain have not acknowledged himſelf in Court of Record to be his Villain.

In

In a Writ of Niefty may not be put more Niefs then two; and this was firſt introduced in hatred of Bondage. But in a Writ de Libertate probanda, may be put as many Niefs as the Plaintiff will.

If the Villain be fled into Ancient Demeſne of the King, or other Town priviledged, within a year and a day the Lord may ſeiſe him; and if he dwell in the ſame Town, or other place Franchiſed by a year and a day, without ſeiſin of the Lord, he hath no power to ſeiſe him after if he go not out of the foreſaid Franchiſe.

Some are Villains by title of Preſcription, that is to ſay, that all their Blood have been Villains regardants to the Mannor of the Lord from time out of mind.

And ſome are made Villains by their Confeſſion in a Court of Record. Alſo the Lord may make a Manumiſſion to his Villain, and enfranchiſe him for ever.

If a Villain bring any Action againſt his Lord, other then an Appeal of malhem, and the Lord without proteſtation make anſwer to it, by this the Villain is made free.

Alſo if a Villain purchaſe Land, and hath Goods, and ſell the Goods and Lands before any Entry or Seiſin made by the Lord, the ſale is good. But the King, Lord of a Villain, in ſuch caſe may enter and ſeiſe the Land after ſuch ſale made: For no time runs againſt the King.

Note, That that this Title and Tenure are aboliſhed by the Statute of Car. 2. R.

En un Brief de *Niefty* ne purõt eſtr̃ mis pluſors *Niefs* q; deux; & hoc introductum fuit prius in odium Servitutis. Mes en Bre *de Libertate probanda*, purront eſtre mis tants *Niefs* come le Plaint voudera.

Si le Villein ſoit fue en Ancient Demeſne del Roy, ou auter Ville priviledge, deins lan & jour le Seignior poit luy ſeiſer; & ſil demurt en la dit Ville ou lies Franchiſe per un an & jour, ſans le ſeiſine de ſon Seignior, il nad my power d luy ſeiſie apres, ſi il ne va de hors de ſuiſdit Franchiſe.

Aſcuns ſont Villeins per title de Preſcription, ceſtaſcavoire, que tout lour ſanke ont eſte Villeins regardents a le Mannor du Sñr de temps dont memory ne curt.

Et aſcuns ſont fait Villeins per lour Confeſſion ẽ un Court de Record. Auxy le Sñr poit faire un Manumiſſion a ſon Villein, & luy infranchiſe a tout jours.

Si le Villein port aſcun Action vers ſon Sñr, ſi ne ſoit Appeale de malchem, & le Seignior a ceo ſans proteſtation fait reſpons, per ceo le Villein eſt franches.

Auxy ſi un Villein pchaſe Terre, & ad Biens, & vend les Terres & Biens devant aſcun Entre ou Seiſin fait p le Sñr, la vender eſt boñ. Mes le Roy, Sñr de Villein en tiel caſe poit enter & ſeiſier le Terre apres tiel venditiõ fait: *Quia nullum tempus occurrit Regi.*

Note, que cel title & tenure ſont abolie p Statute *Car. Secundi R.*

Villenous judgement.

Villenous judgment eſt ceo que eſt done ſur un Indictment del Conſpiracy, ſcilicet, que le party trove culpable perdera ſon franke Ley, ne ſerra plus miſe en Juries ou Aſſiſes, ne aylors en Teſtmoignance del veritie: & ſi il ad a faire en Courts le Roy, il face ſon Attourney, & nemy vien en ſon perſon demeſn; que ſes Terres, Biens & Chattels ſont ſeiſies en maines le Roy, & eſtrepes, ſil ne poit melior grace aver, & ſes Arbres eraſes, & ſon Corps impriſon. Veies 24. *E.* 3. *fol.* 34. *b.* & 27. *Aſſ. pl.* 59.

Villanous judgment.

VIllanous Judgment is that which is given upon an Indictment of Conſpiracy, viz. that the party found guilty ſhall loſe the benefit of the Law, ſhall neber moze be ſwozn in Jurtes oz Aſſiſes, noz admitted to gibe any Teſtimony elſewhere: and if he habe to do in the King's Courts he ſhall come by Attozney, and not in perſon: that his Lands, Goods and Chattels ſhall be ſeiſed in the King's hands, and eſtreaped, if he find not the moze favoz, and his Trees digg'd up, and his Body impriſoned. See 24 E. 3. fol. 34. b & 27 Aſſ. pl. 59.

Virgata terræ.

Virgata Terræ. Vies *Yard-land.*

Virgata terræ.

VIrgata terræ. See Yard-land.

Viſcount.

Viſcount eſt ou le noſme de un degree ou ſtate de Honor ſoubs un Countee, & paramount un Baron; ou le noſm d un Magiſtrate & Officer del grand Authority, q; nous communement appellom (*Sheriff*) ou, de parler pluis veraimēt, (*Shire reve*) & ſuit al prim appel (*Shire greeve*) ceſt adire, Cuſtos Comitat', ou le *Reve* ou Ruler del Countie; car (*Gereve*) eſt derive de *Saxon* pol (*Gereſa*) i. un Ruler.

Et de c' vient (*Portreve* ou *Portgreeve*,) un noſme en veil rēps doñ al chief Officer d'un Ville, & ſignifie le Governor del Ville; ſi ceo que (*Port*) veniens de *Latine* pol (*Portus*) ſignifie un Port ville, & (*Gereve*) eſteant derive cōe eſt avandit ſignifie un Ruler, iſſint que *Portgreve*, ou, come nous a

Viſcount.

VIſcount is either the name of a degree oz State of Honour under an Earl, and above a Baron; oz elſe the name of a Magiſtrate and an Officer of great Authority, whom we commonly call (Sheriff,) oz, to ſpeak more truly, (Shire reve,) and was at the firſt called (Shire gereve) that is, the Keeper of the Shire, oz the Reeve oz Ruler of the Shire; foz (Gereve) is derived of the Saxon word Gereſa, i. a Ruler.

And hereof comes (Portreve, oz Portgreve) a name in old time given to the head Officer of a Town, and ſignifies the Ruler of the Town; foz that (Port) coming of the Latine word (Portus) ſignifies a Pozt-Town, and (Greve) being derived as afoze-ſaid, ſignifies a Ruler: ſo that Portgreve, oz, as we now ſpeak,

ſpeak, a Portreve, is the Ruler of the Town.

And thus was the Head Officer or Governor of the City of London long ſince (before they had the name of Major or Bayliffs) called as it doth appear in divers old Monuments, but chiefly in the Saxon Charter of William the Conquerour, which begins thus:

William the King greeteth William the Biſhop, and Godfrey the Portreve, and alſo the Citizens that in London be, &c.

So alſo they of Germany (from whom we and our Language firſt came) call one Governor Burgreeve, another Margreeve, and another Landſgreeve, with ſuch like, &c.

Thus much is ſaid only to ſhew the right Etymon and Antiquity of the word (Sheriff;) to which Officer our Common Law hath always given ſo great Truſt and Authority, as to be a ſpecial Preſerver of the Peace. And therefore all Obligations that he takes to that end, are Recogniſances in Law.

ore briefment ple un *Portreve* eſt le Governor del Ville.

Et iſſint fuit le chief Officer ou Governor del Citie de *Londres* long temps paſt (devant que ils ad le noſme del Maior ou Bailiffs) appel cõe il appiert en divers vieulx minuments; mes principalmt en le *Saxon* Charter de *Guilliam* le Conquerour, que iſſint commence.

William *le King greit* William *Biſcop*, & Godfrey *ges Portgerefant*, & *dalle tha Burwatren theon* Lond, *beon*, &c.

Iſſint iis de *Germany* (de q; nous & noſtr Language primerm̃t vient) appel un Governor *Burgreeve*, un auter *Margreeve*, & un auter *Landſgreeve*, ove tielx ſemblables, *&c.*

Ceſt tant eſt dit tant ſolement p̃ monſtre le droit Etymon & Antiquity de parol (*Skeriff*,) a quel Officer noſtr Common Ley ad touts foits done ſi grand confidence & authority, cõe deſtre un ſpecial Preſerver del Peace. Et p̃ ceo touts Obligations que il priſt a m̃ le purpoſe, ſont cõe Recogniſances en Ley.

He is a Judge of Record when he holds the Leets or Turns, which are Courts of Record.

Alſo he hath the Execution and Return of Writs, and impannelling of Juries, and ſuch like, &c

Il eſt un Judge de Record quant il tient les Leets ou Turnes, les queux ſont Courts de Record.

Item il ad le Execution & Return des Briefs, & impannelling des Juries, & tiels ſemblables, *&c.*

Viſitation.

Viſitation is an act performed by the Biſhop in viſiting the Churches and their Rectors within his Dioceſs once in three years, or by the Archdeacon once a year.

Viſitation.

Viſitation eſt un act perform per le Eveſque en viſitant Egliſes & lour Rectors deins ſon Dioceſe ſemel en trois ans, ou per le Archdeacon ſemel en un an.

Vivary.

Vivary eſt un lieu ſur le terre ou eau lou choſes vivants ſont reſerre. En ley il communement ſignifie un Park, Warren ou Piſcary.

Vivary.

Vivary is a place on Land or Water where living Creatures are kept in a legal ſenſe it generally ſignifies a Park, Warren or Piſcary.

Uncore priſt.

Uncore priſt eſt un Plee pur le Defendant en Det ſur Obligation, que eſteant ſue pur ceo, que ne paya le Det al jour, plead, pur ſaver le Forfeiture, q̃ il tender, les deniers al jour & lieu, & que nul fuit la pur receiver, & dit ouſter, que il eſt *uncore priſt*, de payer. Et lou home doit pleader ouſter *uncore priſt*, & lou nemy, veies en *Perkins, ſect.* 783. *&* 784. *& Coke lib.* 9. *fol.* 79. *a, b. en Peyto's Caſe.*

Uncore priſt.

Uncore priſt is a Plea for the Defendant in Debt upon an Obligation, who being ſued becauſe he did not pay the Debt at the day, pleads, to ſave the Forfeiture that he tendred the money at the day and place, and that no Body was there to receive it; and ſays over, that he is yet ready to pay it. And where a man ought to plead over, that he is yet ready, and where not, ſee in Perkins, ſect. 783, & 784. & Coke 9 book, fol. 79. a, b, in Peyto's Caſe.

Volunt.

Volunt eſt, quant le Tenant tient a le Volunt del Leſſor, ou Sñr: & ceo eſt ẽ deux manners.

Un eſt quant jeo face Leaſe a un hom̃ de Terres, a ten̄ a ma Volunt, donques jeo puiſſe luy ouſt' a mon pleaſure: mes ſi il emblee le Tre, & jeo luy ouſta, donques il avera ſon Embleement, & egreſſe & regreſſe jeſques ils ſont meſſe, pur eux ſcier & carier hors.

Tiel Tenant a Volunt neſt pas tenus de ſuſtainer & repairer le Meaſon, ſicome Tenant a terme de ans eſt tenus: Mes ſi il fait voluntary Waſte, le Leſſor avera vers luy un Action de Treſpaſſe.

Auxy la eſt auter Tenant a Volunt del Seignieur, per Copy de Court-Roll, ſolon-

Volunt.

Volunt is, when the Tenant holds at the Will of the Leſſor, or Lord: and that is in two manners.

One is, when I make a Leaſe to a man of Lands, to hold at my Will, then I may put him out at my pleaſure: but if he ſow the Ground, and I put him out, then he ſhall have his Corn, with egreſs and regreſs till it be ripe, to cut and carry it out of the ground.

Such Tenant at Will is not bound to ſuſtain and repair the Houſe as Tenant for years is: But if he make wilful waſte, the Leſſor ſhall have againſt him an Action of Treſpaſs.

Alſo there is another Tenant at Will of the Lord, by Copy of Court-Roll, according to the

the Cuſtom of the Mannor: and ſuch a Tenant may ſurrender the Land into the hands of the Lord, according to the Cuſtom, to the uſe of another for Life, in fee, or in tail; and then he ſhall take the Land of the Lord, or his Steward, by Copy, and ſhall make Fine to the Lord. But if the Lord put out ſuch a Tenant, he hath no remedy but to ſue by Petition. And if ſuch a Tenant will implead another of the Lands, &c. he ought to enter a plaint in the Court, and ſhall declare in the nature of what Writ he will, as the caſe lies.

Voucher.

VOucher is, when a Præcipe quod reddat of Land is brought againſt a Man, and another ought to warrant the Land to the Tenant; then the Tenant ſhall vouch him to Warranty, and thereupon he ſhall have a Writ called Summoneas ad Warrantizandum. And if the Sheriff return that he hath nothing by which he may be ſummoned then there ſhall go forth a Writ called Sequatur ſub ſuo periculo. And when he comes, he ſhall plead with the Demandant. And if he come not, or if he come, and cannot bar the Demandant, then the Demandant ſhall recover the Land againſt the Tenant, and the Tenant ſhall recover as much Land in value againſt the Vouchee; and thereupon ſhall have a Writ called Capias ad Valentiam againſt the Vouchee.

See more of Voucher before, in the Title of Garranty.

Uſes.

USes of Land had beginning after the Cuſtom of Pro-

que le Cuſtom del Mannor: & tiel Tenant poit ſurrender le Terre en les mains le Sñr, per le Cuſtom, al uſe d'un auter p̄ vie, en fee, ou fee taile; & donques il prendra le Terre del Seignior, ou ſon Seneſchal, per Copy, & ferra Fine al Seigniour. Mes ſi le Seignior ouſta tiel Tenant, il nad remedy mes de ſuer per Petition. Et ſi tiel Tenant voile impleade un auter des Terres, *&c.* il covient enter un Plaint en le Court, & countera en le nature del quel Brief il voit, ſicome le caſe giſt.

Voucher.

VOucher eſt, quant un *Præcipe quod reddat* de Terre eſt port vers un home, & un auter doit garrant le Terre al Tenant; donques le Tenant luy *voucher* a Garrantie, & ſur ceo il avera un Brief appel *Summoneas ad Warrantizandum.* Et ſi le Viſcount retourne que il nad riens per que il poit eſtre ſummon, donques iſſera, Brief appel *Sequator ſub ſuo periculo.* Et quant il vient, il pleadera oveſque le Demandant. Et ſil ne vient, ou vient, & ne poit barre le Demandant, donques le Demandant recovera le Terre vers le Tenant, & le Tenant recovera tant de Tre en value vers le *Vouchee*; & ſur ceo il avera un Brief appel *Capias ad valentiam* vers le *Vouchee.*

Vide plus de *Voucher* devant, Tit. *Garrantie.*

Uſes.

USes de Terre ad ſon commencement apres que le

cuſtome de Propertie commence enter homes : cõe ou un eſtant ſeiſie de Terres en Fee-ſimple, fait un Feoffm̃t al un auter ſans aſc' Conſideration, mes ſolem̃t meaning que l'auter ſerroit ſeiſie al ſon *Uſe*, & q; il meſm̃ voile p̃nder les Profits de les Tres, & q; le Feoffee doit aver le Poſſeſſion & Franktenem̃t de ceo al meſme le uſe, *&c.*

Ore aps ceo, ſur bone Conſiderations, & p̃ avoider divers miſchiefs & inconveniences, fuit le Statute de *An.* 27. *H.* 8. *c.* 10. purview, quel unite le *Uſe* & Poſſeſſion enſemble, iſſint que al q̃ ad le *Uſe* de Terre, ad le Poſſeſſion de ceo, accordant al Uſe q̃ il avoit en ceo, p̃ vertue de ceſt Statute.

Uſufructuary.

USufructuary eſt celuy que avoit le uſe ou prende les profits de aſcun choſe.

Uſurpation.

USurpation eſt, p'uis commencement uſe quant aſcun preſent un Rector ou Vicar al Egliſe ſans bon title. *Stat. Weſt.* 2. *cap.* 5. *Co.* 6. *Rep.* 51. & 11 *Rep.* 33.

Uſury.

USury eſt un Gaine d'aſc' choſe ouſter le Principal, ou ceo que fuit lent, exact ſolem̃t en conſideration de le Loan, ſoit il d Corne, Viand, Apparel, Wares, ou tiels ſemblables, come de Monie.

Et icy mult poit eſtre dit, & divers Caſes mis concernants Uſurie, le q'ux d p̃poſe jeo omit; ſolem̃t jeo pria, q̃ ceux qu accompt eux meſmes religious & bone Chriſtians

perty began amongſt Men: as where one being ſeiſed of Lands in Fee-ſimple, made a Feoffment to another without any Conſideration, but only meaning that the other ſhould be ſeiſed to his Uſe, and that he himſelf would take the Profits of the Lands, and that the Feoffee ſhould have the Poſſeſſion and Franktenement thereof to the ſame uſe, &c.

Now after this, upon good Conſiderations, and to avoid divers Miſchiefs and Inconveniences, was the Statute of An. 27 H. 8. c. 10. provided, which unites the Uſe and poſſeſſion together, ſo that he who hath the Uſe of the Land, hath the Poſſeſſion thereof, according to the Uſe he hath therein, by virtue of that Statute.

Uſufructuary.

USufructuary is he who hath the uſe or reaps the profits of any thing.

Uſurpation.

USurpation, is moſt commonly uſed when any one preſents a Rector or Vicar to a Church without a good Title. Stat. Weſtm. 2. cap. 5. Co. 6. Rep. 51. & 11 Rep. 33.

Uſury.

USury is a Gain of any thing above the Principal, or that which was lent, exacted only in Conſideration of the Loan, be it as well Corn, Meat, Apparel, Wares, or ſuch like, as Money.

And here much might be ſaid, and many Caſes put concerning Uſury, which of purpoſe I omit: only I wiſh they who account themſelves Religious and good Chriſtians, would not deceive

deceive themſelves by colour of the Statute of Uſury, becauſe the Statute ſaith, that it ſhall not be lawful for any to take above ix. pound in the C. l. for a year, &c. whereby they gather (though falſly) that they may therefore take ſix pounds for the Loan of an Hundred pounds with a good Conſcience, becauſe the Statute doth after a ſort diſpenſe with it (becauſe it doth not puniſh ſuch taking.) For God will have his Decrees to be kept inviolable, who ſaith, Lend, looking for nothing thereby, &c. by which words is excluded either the taking of vj. l. b. l. nea or one peny above the Principal. But rather let ſuch think, that Statute was moved upon like cauſe that moved Moſes to give a Will of Divorce to the Iſraelites, as namely to avoid a great miſchief, and for the hardneſs of their hearts.

And the Statute of 21 Jac. cap. 17. hath expreſly Ordained, That no word in the Law ſhall be Conſtrued and Expounded to allow the practice of Uſury in point of Religion or Conſcience.

By the Statue of 13 Eliz. c. 8. the Loan of Money was at 10 l. per Cent. by 21 Jac. cap. 17. at 8 l. per Cent. and now by the Statute of 12 Car. 2. c. 17. it is reduced to 6 l. per Cent.

ne voilent deceive eux meſmes per colour de le Statute de *Uſury*, p̄ ceo q̄ le Statute dit, q̄ il ne ſerra loyal p̄ aſcun de prender ouſter vi. l. en le C. l. pur un an, *&c.* p̄ que ils collect (mes fauxment) que ils poyent pur ceo prender vj. l. pur le Loan d'un C. l. ove un bone Conſcience, pur ceo que le Statute ſolonque un manner diſpenſe ove ceo, (p̄ ceo q̄ il ne puniſhe tielx prēdors.) Car Dieu voile aver ſes Decrees obſerve inviolable, q̄ dit, *Lend, expectant nul choſe pur ceo, &c.* Per queux polx eſt exclude le priſel de vj. l. v. l. ou de un denier ouſter le Principal. Mes plus penſant tiels, q̄ ceſt Statute fuit fait ſur tiel ſemblable cauſe que movant *Moſes* de doner un Bill de Divorce a les *Iſraelites*, come noſmeñt p̄ avoider un greinder miſchief, & p̄ le duritie de lour cœurs.

Et le Statute de 21 *Jac. c.* 17. ad Ordeine expreſſement, que nul parol en ceſt Ley ſerr conſtrue ou expound p̄ allower le practice del Uſurie en point de Religion ou Conſcience.

Per le Statute de 13 *Eliz. c.* 8. le Loan Monie fuit 10 *l. per Cent.* per 21 *Jac. c.* 17 *c.* 8. *l. per Cent.* & ore per le Statute 12 *Car.* 2. *c.* 17. ceo eſt reduce al *6. per Cent.*

Utlary.

UTlary is, when an Exigent goes forth againſt any Man, to appear in any Court to make Anſwer to any Action or Indictment, and Proclamation made in five Counties; then if the Defendant appear not, the Coroner ſhall give Judgment

Utlary.

Utlary eſt, quant *Exigent* iſſuſt vers aſcun home, d' appearer en aſc' Court de faire Reſpons al aſc' Action ou Indictment, & Proclamation fait en cinque Counties; ſi le Defendant ne appeare, donques le Coroner donera

Judgm̃t que il ſerra hors de protection de Roy, & hors del aide le Ley.

Per tiel *Utlary* en Actions perſonels, le partie utlage forfeiteſ touts ces Biens & Chateux al Roy.

Et per *Utlary* en Felonie, il forfeitera auxybien touts ſes Tres & Tenem̃rs que il ad en Fee-ſimple, ou pur terme de ſa vie, come ſes Biens & Chateux.

Auxy meſque un home ſoit utlage, uncore ſi aſc' Diſcontinuance ou Errour ſoit en la Suit del Proces, le partie de ceo avera l' advantage, & per tiel cauſe l' Utlagarie ſerra reverſe & adnulle.

Si le partie defendant ſoit ouſter la Mer al temps del Utlagarie pronounce, ceo eſt bone cauſe de Reverſal.

Si un Exigent ſoit agard vers un home en un Countie lou il ne demurrer pas, uncore un Exigent ove Proclamation iſſera al Countie lou il demurre; ou autermẽt ſil ſoit ſur ceo utlage, *Utlagarie* poit eſtre reverſe, come appiert p̃ le Statute fait *An.* 6. & 4 *H.* 8. *cap.* 4.

Auxy ſi un ſoit utlage en Action perſonal al Suit d' un auter, & puis il purchaſe ſon Charter de Pardon de Roy, tiel Charter ne ſerra jam̃a's allowe, tanq; il ad ſue un Brief de *Scire facias* de garner le p̃tie Plaintiff; & ſil appeare donques le Defendant reſpondera a luy, & luy bareſ d' ſa Action, ou autermẽt ſerra Agreement oveſque luy.

Utlaw.

UTlaw. Veies *Waive.*

that he ſhall be out of the Protection of the King, and out of the aid of the Law.

By ſuch an Utlary in Actions Perſonal, the party Outlawed ſhall forfeit all his Goods and Chattels to the King.

And by an Utlary in Felony, he ſhall forfeit as well all his Lands and Tenements that he hath in Fee-ſimple, or for term of his life, as his Goods and Chattels.

Alſo though a Man be outlawed, yet if any Error or Diſcontinuance be in the Suit of the Proces, the party ſhall have advantage thereof, and for ſuch cauſe the Utlary ſhall be reverſed and adnulled.

If the party Defendant be over the Sea at the time of the Utlary pronounced, that is a good cauſe of Reverſal.

If an Exigent be awarded againſt a Man in one County where he dwells not, yet an Exigent with Proclamation ſhall go forth to the County where he dwells; or elſe if he be thereupon Outlawed, the Utlary may be reverſed, as it appears by the Statute An. 6 & 4 H. 8. c. 4.

And if a Man be outlawed in Action perſonal at the Suit of another, and after he Purchaſe his Charter of Pardon of the King, ſuch Charter of ſhall never be allowed, till he hath ſued a Writ of Scire facias to warn the party Plaintiff; and if he appear, then the Defendant ſhall anſwer him, and bar him of his Action, or elſe make Agreement with him.

Utlaw.

UTlaw. See Waive.

Utlepe.

UTlepe ſignifies the Eſcape of Thieves. Fleta, lib. 1. cap. 47.

Utlepe.

UTlege ſignificat Eſcapium (hoc eſt *Evaſionem*) Latronum. *Fleta lib.* 1. *cap.* 47.

Utrum.

UTrum is a Writ that lies when the Right of any Church is altered and holden in Lay-fee, or tranſlated into the poſſeſſion of anyother Church, and the Tenor dies; then his Succeſſor ſhall have the ſaid Writ, whereof an Enqueſt ſhall be charged to try whether it be the Fee Alms of the Church or Lay-fee.

And note well, that none that have Covent or Common Seal may maintain this Writ, but a Writ of Entre ſine aſſenſu Capituli, for the Alienation made by his Predeceſſor.

Utrum.

UTrum eſt un Brief que giſt quant le Droit d'aſcun Egliſe eſt aliene & tenus en Lay-fee, ou tranſlate en poſſeſſion d'auter Egliſe, & Alienor devie; donques ſon Succeſſor avera le dit Brief per que un Enqueſt ſerra charge d trier *Utrum ſit Libera eleemoſina Eccleſiæ, vel Laicum feodum.*

Et nota, que nul que ad Covent ou Common ſeale poit mainteiner ceſt Brief, mes Brief d' *Entre ſine aſſenſu Capituli*, d' Alienation fait per ſon Predeceſſor.

W.

Wage.

WAge is the Giving Security for the performing of any thing: As to wage Law, and to wage Deliverance, which ſee before in Gage. None wages Law againſt the King, Brook, tit. Choſe en Action, num. 6. See Law.

Waife.

WAife is, when a Thief hath felonioully ſtolen Goods, and being nearly followed with Hue and Cry, or elſe overcharged with the Burthen or Trouble of the Goods, for his Eaſe ſake and more ſpeedy Travelling, without Hue and Cry, flies away, and leaves the Goods or any part of them

W,

Wage.

W*Age* eſt le Donant ſecuritie pur le performance d' aſc' choſe: come a *gager Ley*, & a *gager Deliverance*, queux veies devant en *Gage*. Nul gagera Ley encouter le Roy, *Brook tit. Choſe en Action, num.* 6. Veies *Ley*.

Waife.

W*Aife* eſt, quant un Laron ad felonioufment emblee Biens, & eſteant neerment purſue ove Hue & Crie, ou auterment ſurcharge ove le burden ou trouble des Biens, p̄ ſon eaſe & plus ſpeedie travaile, ſans Hue & Crie, ſua, & waiva les Biens ou aſc' part d'eux arere luy, &c. donques

ques l'Officer del Roy, ou le Reeve ou Bailiff al Seignior del Manner, (deins que Juriſdicti on ou Circuit ils fueront waiſe) que per Preſcription ou Grant d̄ Roy ad le Franchiſe d̄ Waiſe, poyent ſeiſer les Biens iſſint *Waiſe* al uſe de lour Seigniors, que poyent retaine eux come ſes proper Biens, ſinon que l' Owner vient oveſque freſh Suit apres le Felon, & ſue un Appeal, ou done en Evidence envers luy al ſon Arraignment ſur l'Indictment, & il eſt attaint de ceo, *&c.* En queux caſes le primer Owner avera Reſtitution de ſes Biens iſſint emblee & waiſe.

Mes niēt obſt' comēt ad eſte dit, *Waiſe* eſt properm̄t d̄ Biens emblees, unc' Waiſe poit eſtr̄ auxy de Biens nient emblees: Cōe ſi un hōe ſoit p̄ſue oveſq; Hue & Cry come un Felon, & il fue & relinquiſh ſes Biens demeſne, *&c.* ceux ſerr̄ priſe come Biens *Waiſe*, & forfeit come ſils ad eſte emblees.

Mes veies *Foxley's Caſe*, *Coke*, *l.* 4. *f.* 109. *b.* que ceux ne ſont bona *waviata*, ſed bona Fugitivorum, queux ne ſont forfeits tanq; ſoit trove devāt le Coroner, ou autrem̄t d̄ record, que il fua p̄ le Felonie.

behind him, &c. then the King's Officer, or the Reeve or Bayliff to the Lord of the Manner, (within whoſe Juriſdiction or Circuit they were left) who by Preſcription or Grant from the King hath the Franchiſe of Waiſe, may ſeiſe the Goods ſo waived to their Lords uſe, who may keep them as his own proper Goods, except the Owner come with freſh Suit after the Felon, and ſue an Appeal, or give in Evidence againſt him at his Arraignment upon the Indictment, and he is attainted thereof, &c. In which Caſes the firſt Owner ſhall have Reſtitution of his Goods ſo ſtollen and waived.

And though, as hath been ſaid, Waiſe is properly of Goods ſtollen, yet it may be alſo of Goods not ſtollen: As if a Man be purſued with Hue and Cry as a Felon, and he flies and leaves his own Goods, &c. theſe ſhall be taken as Goods waived, and forfeit as if they had been ſtollen.

But ſee Foxley's Caſe, Coke l. 4. l. 109. b. that theſe are not Goods waived, but Goods of Fugitives, which are not forfeited till it be found before the Coroner, or otherwiſe of Record, that he fled for the Felony.

Waive.

W*Aive* eſt un Feme que eſt Utlage; & el eſt appelle *Waive*, quaſi relicta a Lege, & nemy *Utlage*, come home eſt: car femes ne ſont jures en Leets al Roy, ne al Ley; come homes ſont, que pur ceo ſont deins le Ley; & pur ceſt cauſe ils ne poyent eſtre dit *Utlage*, entant que ils ne unques fueront deins ceo. Veies *Fitz. N.B. fol.* 161. *A.*

Waive.

WAive is a Woman that is Outlawed; and ſhe is called Waive, as left out or forſaken of the Law, and not an Outlaw, as a Man is: For Women are not ſworn in Leets to the King, nor to the Law, as Men are who therefore are within the Law; whereas Women are not, and for that Cauſe they cannot be ſaid Outlawed, inſomuch as they never were within it. See Fitz. N. B. fol. 161. A.

But

But a Man is called Utlaw, because he was once sworn to the Law: And now for Contempt he is put out of the Law, and is called Utlaw, as one should say, without Benefit of the Law.

Mes un home est dit *Utlage*, pur ceo que il fuit un foits jure a le Ley: Et a ore pur contempt il est mis hors del Ley, & dictus *utlagatus*, quasi extra Legem positus.

Wapentake.

WApentake is all one with that which we call Hundred, as appears by Bract. lib. 3. tract. 2. cap. 1. num. 1. in the end. Lambert, in his Explication of Saxon words, word Centuria saith, That this word Wapentake is more especially used at this Day in the Countries beyond the River Trent: And in the Laws of King Edward (by him set forth) num. 33. it is most plain in these words, And what the *English* term *Hundred*, the foresaid Counties call *Wapentake*.

The Statutes An. 3 H. 5. cap. 2. and An. 9. H. 6. cap. 10. and An. 15 H. 6. cap. 7. make mention of Stainclife Wapentake, and Friendless Wapentake in Craven in the County of York. See Roger Hoveden, part. poster. Annal. fol 346.

Wapentake.

W*Apentake* est tout un óve c' q nous appellomus *Hundred*, come appiert per *Bract. l.* 3. *tract.* 2. *c.* 1. *num.* 1. *in fine. Lambert*, en son Explication d *Saxon* parols, verbo *Centuria*, dit, Que cest parol *Wapentake* est plus especialmẽt use a cest jour en les Pays ouster le fluve de *Trent*: Et en les Leyes del Roy *Edw.* (per luy publie) *num.* 33, il est fort plaine en ceux parols, *Et quod* Angli *vocant* Hundredum, *suprad' Comitat' vocant* Wapentakium.

Les Statutes *An.* 3. *H.* 5. *c.* 2. & *An.* 9. *H.* 6. *c.* 10. & *Anno* 15 *H.* 6. *c.* 7. sont mention d *Stainclife Wapentake*, & *Friendless Wapentake* en *Craven* en le County d *Everwicke*. Veies *Roger Hoveden, part poster. Annal. fol.* 346.

Warden.

WArden is of the same Signification with the French Gardein, and therefore of this see more in the Title Gardein: But it is the most usual Word in English, for him that hath the Custody and Charge of any Person or Thing by Office; as Wardens of the Fellowships in London, Anno 14 H. 8 cap. 2. Warden Courts, An. 31 H. 6. c. 3. Warden of the Marches, An. 4 H. 7. cap 8. Ferry Warden, An 18 Eliz. c. 10. & An 27 Eliz. c. 16. Wardens of the Peace, An. 2 Edw. 3. c. 3. Wardens of the West Marches,

Warden.

W*Arden* est de mesme signification come est le parol *Francois Gardeine*, & pur c' veies pluis en le Title *Gardein*: Mes il est le pluis usual parol in *Anglois*, pur luy q̃ ad le Custodie ou charge de ascun person ou chose p Office; come *Wardens* d Fraternities en *Londres*, *Anno* 14 *H.* 8. *c.* 2. Warden Courts, *An.* 31 *H.* 6. *c.* 3. Warden del Marches, *Anno* 4 *H.* 7. *cap.* 8. Ferry Warden, *An.* 18 *Eliz. c.* 10. & *An.* 27 *Eliz. cap.* 26. Wardens del Peace, *An.* 2 *Ed.* 3. *cap.* 3. Wardens del West-Marches,

Marches. *Cambden Brit. pag.* 606. Warden del Forreſt, *Manwood part* 1. *p.* 111, 112. Warden del Alnage, *An.* 18 *H.* 6. *cap.* 16. Warden del Armour le Roy en l'Tower, *An.* 1 *E.* 4. *c.* 1. Chiefe Warden del Forreſt, *Manwood part* 1. *pag.* 42, 43. Warden del Wardrobe le Roy, *An.* 5 *H.* 3. *Stat.* 5. Wardens des Tables del Exchange le Roy, *An.* 9 *Ed.* 3 *Stat.* 2. *c.* 7. *&* *An.* 9 *H.* 5. *Stat* 2. *c.* 4. Wardens des Rolles del Chancery, *An.* 1 *E.* 4. *c.* 1, *&* 5. Wardens & Communaltie des Terres contributory ad *Rocheſter* Bridge, *An.* 18 *Eliz. c.* 17. Et Wardens des Courts de Stannaries, 4 *Inſtit.* 230.

Cambden Brit. p. 606. Warden of the Forreſt, Manwood, part 1. p. 111, 112. Warden of the Alnage, An. 18 H. 6. c. 16. Warden of the King's Armor in the Tower, An. 1 E. 4. c. 1. Chief Warden of the Forreſt. Manwood part 1. pag. 42, 43. Warden of the King's Wardrobe, Anno 5 Hen. 3 Stat 5. Wardens of the Tables of the King's Exchange, Anno 9 Ed. 3. Stat. 2. c. 7. and Anno 9 Hen. 5. Stat. 2. cap 4. Warden of the Rolls of the Chancery, Anno 1 Edw. 4 cap. 1, & 5. Wardens and Communalty of Lands contributory to Rocheſter Bridge, Anno 18 Eliz. cap. 17. and Wardens of the Stannary Courts, 4 Inſtit. 230.

Wardmote.

Wardmote.

W *Ardmote* eſt un terme mention en le Statute d' 32 *H.* 8. *c.* 7. & ſignifie un Court q; eſt ten' ē cheſcun Ward en *Londres*, & eſt uſualment appel *Wardmote-Court*, ou l'*Wardmote-Inqueſt.*

WArdmote is a Term mentioned in the Stat. of 32 H. 8. c. 17. and ſignifies a Court that is kept in every Ward in London, and is uſually called the Wardmote Court, or the Wardmote-Inqueſt.

Warrantie.

Warrantie.

W *Arrantie.* Veies *Garrantie.*

WArrantie. See Garrantie.

Warrantia chartæ.

Warrantia chartæ.

W *Arrantia chartæ* eſt un Brief q̄ giſt pur ceſtuy que eſt infeoffe ove Garranty, & eſt apres implead en un Aſſiſe ou auter Action ē q̄ ne poit vouch; donques il avera ceſt Brief vers le Feoffor ou ſon Heir, pur compell eux de *garranter* le Terre a luy. Et veies d ceo *Fitz N. B. fol* 134. *D.* Veies *Garranty des Charters.*

WArrantia chartæ is a Writ that lies for him that is infeoffed with Warranty, and is afterward impleaded in an Aſſiſe or other Action in which he cannot vouch; then he may have this Writ against the Feoffor or his Heir, to compel them to warrant the Land unto him. And ſee of this Fitz. N. B. f. 134. D. See Garrantie of Charters.

Warrantia Diei.

Warrantia Diei.

W *Arrantia diei* eſt un Brief que giſt en caſe lou home

WArrantia Diei is a Writ that lies in caſe where a Man hath

ath a day in any Action ſued gainſt him to appear in proper erſon, and the King at that ay or before imploys him in me Service, ſo that he cannot ppear at the day in Court; then e may have this Writ directed o the Juſtices, that they ſhall ot record them to be in Default or his not appearing. And ſee f this Fitz. N. B. fol. 17. A. and or the form of the Writ, ſee Glanvile, lib. 1. cap. 8.

Warren.

WArren is a Place privileged by Preſcription or Grant of the King, for the Preſervation of Hares, Conies, Partridges and Pheaſants, or any of them.

Warwit.

WArwit (or Wardwit, as ſome Copies have it) is to be quit of giving Money for keeping of Wards.

Waſt.

WAſt is, where Tenant for term or years, Tenant for life, or Tenant for term of anothers Life, Tenant in Dower, or Tenant by the Courteſie, or Guardian in Chivalry, doth make Waſte or Deſtruction upon the Land, that is to ſay, pulls down the Houſe, or cuts down Timber, or ſuffers the Houſe willingly to fall, or digs the Ground; then he in the Reverſion ſhall have a Writ for that Waſt, and ſhall recover the place where the Waſt is done, and treble Damages.

And if a Man cut down Timber without Licence, and therewith repairs old Houſes, yet that is no Waſt. But if he with the Timber build a new

ad jour en aſc' Action ſue vers luy d' appeare en proper pſon, & le Roy a ceſt jour ou devant luy maund en aſc' ſervice, iſſint q; ne poit appeare al jour en Court; donques il poit aver ceſt Brief direct as Juſtices, que ils ne record luy deſtre en Default pur ſon non appearance. Et veies de ceo *Fitz. N. B. fol.* 17. *a.* & pur le forme del Bre veies *Glanvile lib.* 1. *cap.* 8.

Warren.

W*Arren* eſt un lieu privileged per Preſcription, ou Grant del Roy, p̄ le pſervation del Liverers, Cunicies, Perdices, & Pheſants, ou aſcun de eux.

Warwit.

W*Arwit*, (ou *Wardwit* cōe aſc' Copies ad c') eſt quietum eſſe de denariis dandis pro Wardis faciendis.

Waſt.

W*Aſt* eſt, ou Tenant a terme dans, Tenant de vie, ou Tenant pur terme dauter vie, Tenant ē Dower, ou Tenant per le Curteſie, ou Gardein en Chivalry, fait Waſt ou deſtruction ſur al Terre, ceſtaſcavoir, ſil debruſa Meaſon, ou coupe Meriſme, ou ſuffer le Meaſon voluntariment p̄ eſchier, ou foder la Terre; donques ceſtuy en le Reverſion avera un Brief pur ceſt Waſt, & recovera le lieu ou le Waſt fuit fait, & treble Dammages.

Et ſi home coupe Meriſme ſans Licence, & oveſque ceo repair les ancient Meaſons, uncore ceo n'eſt pas Waſt. Mes ſi il oveſque le Meriſme undiſia

un novel meaſon, le couper de tiel meriſme eſt Waſt. Auxy le couper ce Subboys ou Willows, que neſt pas Meriſme, ne ſerra dit Waſt, ſinon que creſſont en le view ou ſeit del Meaſon.

Waſt per le Ley Civile eſt appel Dilapidation: & pur c' l'Executor d'un Rector ou Vicar & ſont reſpoignable ē Court Chriſtian.

Eſt auxi un Brief de Waſt *permittendo Meſſuagium vel domum, &c. fore in decaſu & ruinoſum.* Co. Ent. 601.

Wharf.

W*Harf* eſt un parol uſe en le Statute de 1 *Eliz. c.* 11. & auters Statutes, & eſt un Ample lieu procheine al Creek ou Hithe del eau, ſur que Biens & Wares ſont jects queux ſont deſtre eskipts & tranſports del un lieu al auter.

Withernam.

W*Ithernam* eſt le Priſure ou chaſer dun Diſtreſſe a un Fortreſſe, ou hors del County, iſſint que le Viſcount ne poit ſur Replevin fair deliverance de ceo al partie diſtraine en q'l caſe un Brief de *Withernam* eſt direct al Viſcount p̄ le priſe d̄ tants de ſes Avers que iſſint illoyalment diſtraine, ou tants de les Biens, en ſon cuſtody, jeſque il ad fait deliverance de le primer Diſtreſs. Auxy ſi les Avers ſont en un Fortlet ou Caſtle, le Viſcount puit prender ove luy le Power del County, & debruſer le Caſtle, come appiert per le Statute de *Weſtm.* 1. *cap.* 20. *Brit. cap.* 27.

houſe, the cutting down of ſuch Timber is Waſt. Alſo the cutting down of Under-wood or Willows, which is no Timber, ſhall not be ſaid to be Waſt, unleſs they grow in the ſight or ſhadow of the Houſe.

Waſt, by the Civil Law, is call'd Dilapidation, and for that the Executor of a Rector or Vicar are anſwerable in the Court Chriſtian.

There is alſo a Writ of Waſte, permittendo Meſſuagium vel Domum fore in decaſu & ruinoſum. Co. *Ent.* 601.

Wharf.

WHarf is a word uſed in the Statute of 1 Eliz. cap. 11. and other Statutes, and is a Broad Place near a Creek or Hithe of Water, upon which Goods and Wares are laid which are to be Shipp'd and Tranſported from place to place.

Withernam.

WIthernam is the Taking or Driving of a Diſtreſs to a Hold, or out of the County, ſo that the Sheriff cannot upon Replevin make delivery thereof to the party diſtrained; in which caſe a Writ of Withernam is directed to the Sheriff for the taking of as many of his Beaſts, that did thus unlawfully diſtrain, or as much Goods of his, into his keeping, until he hath made Deliverance of the firſt Diſtreſs. Alſo if the Beaſts be in a Fortlet or Caſtle, the Sheriff may take with him the power of the County, and beat down the Caſtle, as appears by the Statute of Weſtm. 1. cap. 20. Brit. cap. 27.

Wood-

Woodgeld.

Woodgeld ſeems to be the Gathering or Cutting of Wood within the Forreſt, or Money paid for the ſame to the Forreſters. And the Immunity from this by the King's Grant is by Crompt. fol. 197. called Woodgeld.

Woodmote.

Woodmote is the old Name of that Court of the Forreſt which is now, ſince the Statute of Charta de Foreſta, called the Court of Attachments, and by the Statute is held every forty days; but was wont to be held at the will of the chief Officers of the Forreſt, and at no certain time. See Manwood's Forreſt Laws, cap. 22. fol. 207. a.

Woolferthfod.

Woolferthfod is the condition of ſuch who were Outlawed in the Saxons Time, for not ſubmitting themſelves to Juſtice: for if they could be taken alive, they ſhould be brought to the King; and if they in fear of Apprehenſion did defend themſelves, they might be ſlain, and their Heads brought to the King; for they carried a Woolf's Head, that is to ſay, their Head was no more to be accounted of than a Cuccolfs Head, being a Beaſt ſo hurtful to a Man. See the Laws of King Edward by Lambert, f. 127. num. 7. & Bract. lib. 3. tract. 2. cap. 21. This is written Wulveſheaved by Roger Hoveden part. poſter. Annal. fol. 343.

Wreck.

Wreck, or Varech, (as the Normans, from whom it came, call it) is, where a Ship is periſhed on the Sea,

Woodgeld.

Woodgeld ſemble deſtre l'Collection ou ſuccider d'Boys deins le Forreſt, ou argent priſe p̄ m̄ al uſe de Forreſters. Et le privilege de ceo per le Grant l'Roy, eſt per *Crompt. fol.* 197. appel *Woodgeld.*

Woodmote.

Woodmote eſt le veil, noſme de ceo Court del Forreſt que a ore, apres le Statute de *Charta de Foreſta*, eſt appel le *Court des Attachments*, & p ceo Statute eſt tenus cheſcun 40 jours; mes ſoloit deſtre tenus al volunt des chief Officers del Forreſt, & nemy al aſcun temps certain. Veies *Manwoods For. Leys, c.* 22. *fol.* 207. *a.*

Woolferthfod.

Woolferthfod eſt le condition de tiel que fueront utlage en le temps del *Saxons* p̄ nient ſubmittant eux m̄s al Juſtice: car ſils poyent eſtre priſe en vife, ils ſerroient port al Roy; & ſils en pavor de apprehenſion eux meſmes defenderont, ils poient eſtre tue, & lour teſtes port al Roy; car ils porteront le *Teſte dun Woolf*, ceſt adire, lour Teſte ne ſuit plus deſtre regard q̄ le teſte d'un Woolf, q̄ ſuit un Beaſt cy tortious al home. Veies l'Leys de Roy *Edovart* per *Lamb, f.* 127. *nu.* 7. *& Bracton. lib.* 3. *tract.* 2. *c.* 11. Ceo eſt eſcrie. *Vulveſheaved* per *Roger Hoveden, part. poſter. Annal. fol.* 343.

Wreck.

Wreck, ou *Varech*, (come les *Normans*, de que il vient, appellont ceo) eſt quant un Niefe eſt periſh, ſur le Mer,

&

& nul home eſcape vive hors de ceo, & le Nief ou part del ceo iſſint periſh, ou les Biens del Nief, vient al terre de aſcun Sñr, l'Sñr les avera com̃ un *Wreck de l'Mer*. Mes ſi un Hom̃, ou un Chien, ou Chatre, eſcape vive, iſſint que le party a q̃ les Biens ſont veigñ dans l'an & jour, & prove les Biens deſtre ſes, il avera arere, p proviſion del Statute de *Weſtm.* 1. *cap.* 4. fait en les jours del Roy *Edw.* 1. que en ceo followed le Decree de *H.* 1. devant que jours, ſi un Nief ad eſtre ject ſur l'ſhore, torne ove Tempeſt, & nemy repaire per eux que eſcapont en vie deins un certain temps, donques ceo fuit priſe come *Wreck.*

Ship is periſhed on the Sea, and and no Man eſcapes alive out of it, and the Ship or part of it ſo periſhed, or the Goods of the Ship, come to the Land of any Lord, the Lord ſhall have that as a Wreck of the Sea. But if a Man, or a Dog, or a Cat, eſcape alive, ſo that the party to whom the Goods belong, come within a year and a day, and prove the Goods to be his, he ſhall have them again, by Proviſion of the Statute of Weſtm. 1. cap. 4. made in King Edw. 1. days, whi therein followed the Decree of H. 1. before whole days, if a Ship had been caſt on ſhore, torn with Tempeſt, and were not repaire by ſuch as eſcaped alive within certain time, that then was ta ken for Wreck.

Y

Yard-land.

Yard-land (*Virgata terræ*) en aſc' Counties contein 20 Acres, en aſc' 24, & en aſc' 30 Acres de Terre.

Y.

Yard-land.

Yard-land (Virgata terræ in ſome Counties con tains 20 Acres, in ſom 24, and in ſome 30 Acres of Lan

BRITISH MUSEUM 30 59 MAY

FINIS.